

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1124

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## AN ACT

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Department of Defense  
5        Authorization Act for Fiscal Year 1996”.

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1                   **TITLE I—PROCUREMENT**  
 2                   **Subtitle A—Authorization of**  
 3                   **Appropriations**

4   **SEC. 101. ARMY.**

5           Funds are hereby authorized to be appropriated for  
 6 fiscal year 1996 for procurement for the Army as follows:

7                   (1) For aircraft, \$1,396,451,000.

8                   (2) For missiles, \$894,430,000.

9                   (3) For weapons and tracked combat vehicles,  
 10           \$1,547,964,000.

11                   (4) For ammunition, \$1,120,115,000.

12                   (5) For other procurement, \$2,771,101,000.

1 **SEC. 102. NAVY AND MARINE CORPS.**

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 priated for fiscal year 1996 for procurement for the Navy  
4 as follows:

5 (1) For aircraft, \$4,916,588,000.

6 (2) For weapons, including missiles and tor-  
7 pedoes, \$1,771,421,000.

8 (3) For shipbuilding and conversion,  
9 \$7,111,935,000.

10 (4) For other procurement, \$2,471,861,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to  
12 be appropriated for fiscal year 1996 for procurement for  
13 the Marine Corps in the amount of \$683,416,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 1996 for procurement for the Air Force as fol-  
17 lows:

18 (1) For aircraft, \$6,318,586,000.

19 (2) For missiles, \$3,597,499,000.

20 (3) For other procurement, \$6,546,001,000.

21 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

22 Funds are hereby authorized to be appropriated for  
23 fiscal year 1996 for Defense-wide procurement in the  
24 amount of \$2,118,324,000.

1 **SEC. 105. RESERVE COMPONENTS.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 1996 for procurement of aircraft, vehicles, com-  
4 munications equipment, and other equipment for the re-  
5 serve components of the Armed Forces as follows:

6 (1) For the Army National Guard,  
7 \$209,400,000.

8 (2) For the Air National Guard, \$137,000,000.

9 (3) For the Army Reserve, \$62,000,000.

10 (4) For the Naval Reserve, \$74,000,000.

11 (5) For the Air Force Reserve, \$240,000,000.

12 (6) For the Marine Corps Reserve,  
13 \$55,000,000.

14 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 1996 for procurement for the Inspector General  
17 of the Department of Defense in the amount of  
18 \$1,000,000.

19 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

20 There is hereby authorized to be appropriated for fis-  
21 cal year 1996 the amount of \$671,698,000 for—

22 (1) the destruction of lethal chemical weapons  
23 and munitions in accordance with section 1412 of  
24 the Department of Defense Authorization Act, 1986  
25 (50 U.S.C. 1521); and

1           (2) the destruction of chemical warfare material  
2           of the United States that is not covered by section  
3           1412 of such Act.

4 **SEC. 108. DEFENSE HEALTH PROGRAM.**

5           Funds are hereby authorized to be appropriated for  
6           fiscal year 1996 for the Department of Defense for pro-  
7           curement for carrying out health care programs, projects,  
8           and activities of the Department of Defense in the total  
9           amount of \$288,033,000.

10           **Subtitle B—Army Programs**

11 **SEC. 111. AH-64D LONGBOW APACHE ATTACK HELI-**  
12           **COPTER.**

13           The Secretary of the Army may, in accordance with  
14           section 2306b of title 10, United States Code, enter into  
15           multiyear procurement contracts for procurement of AH-  
16           64D Longbow Apache attack helicopters.

17 **SEC. 112. OH-58D AHIP SCOUT HELICOPTER.**

18           The prohibition in section 133(a)(2) of the National  
19           Defense Authorization Act for Fiscal Years 1990 and  
20           1991 (Public Law 101-189; 103 Stat. 1383) does not  
21           apply to the obligation of funds in amounts not to exceed  
22           \$125,000,000 for the procurement of not more than 20  
23           OH-58D AHIP Scout aircraft from funds appropriated  
24           for fiscal year 1996 pursuant to section 101.

1 **SEC. 113. HYDRA 70 ROCKET.**

2 (a) LIMITATION.—Funds appropriated or otherwise  
3 made available for the Department of Defense for fiscal  
4 year 1996 may not be obligated to procure Hydra 70 rock-  
5 ets until the Secretary of the Army submits to Congress  
6 a document that contains the certifications described in  
7 subsection (b)(1) together with a discussion of the matter  
8 described in subsection (b)(2).

9 (b) CONTENT OF SUBMISSION.—(1) A document sub-  
10 mitted under subsection (a) satisfies the certification re-  
11 quirements of that subsection if it contains the certifi-  
12 cations of the Secretary that—

13 (A) the specific technical cause of Hydra 70  
14 Rocket failures has been identified;

15 (B) the technical corrections necessary for  
16 eliminating premature detonations of such rockets  
17 have been validated;

18 (C) the total cost of making the necessary cor-  
19 rections on all Hydra 70 rockets that are in the  
20 Army inventory or are being procured under any  
21 contract in effect on the date of the enactment of  
22 this Act does not exceed the amount equal to 15 per-  
23 cent of the nonrecurring costs that would be in-  
24 curred by the Army for acquisition of improved rock-  
25 ets, including commercially developed

1       nondevelopmental systems, to replace the Hydra 70  
2       rockets; and

3               (D) a nondevelopmental composite rocket sys-  
4       tem has been fully reviewed for, or has received  
5       operational and platform certifications for, full quali-  
6       fication of an alternative composite rocket motor and  
7       propellant.

8       (2) The document shall also contain a discussion of  
9       whether the existence of the system referred to in the cer-  
10      tification under paragraph (1)(D) will result in—

11              (A) early and continued availability of training  
12      rockets to meet the requirements of the Army for  
13      such rockets; and

14              (B) the attainment of competition in future  
15      procurements of training rockets to meet such re-  
16      quirements.

17      (c) WAIVER AUTHORITY.—The Secretary of Defense  
18      may waive the requirement in subsection (a) for the Sec-  
19      retary to submit the document described in that sub-  
20      section before procuring Hydra 70 rockets if the Secretary  
21      determines that a delay in procuring the rockets pending  
22      compliance with the requirement would result in a signifi-  
23      cant risk to the national security of the United States.  
24      Any such waiver may not take effect until the Secretary

1 submits to Congress a notification of that determination  
2 together with the reasons for the determination.

3 **SEC. 114. REPORT ON AH-64D ENGINE UPGRADES.**

4 No later than February 1, 1996, the Secretary of the  
5 Army shall submit to Congress a report on plans to pro-  
6 cure T700-701C engine upgrade kits for Army AH-64D  
7 helicopters. The report shall include—

8 (1) a plan to provide for the upgrade of all  
9 Army AH-64D helicopters with T700-701C engine  
10 kits commencing in fiscal year 1996.

11 (2) detailed timeline and funding requirements  
12 for the engine upgrade program described in para-  
13 graph (1).

14 **Subtitle C—Navy Programs**

15 **SEC. 121. SEAWOLF AND NEW ATTACK SUBMARINE PRO-**  
16 **GRAMS.**

17 (a) FUNDING.—(1) Of the amount authorized to be  
18 appropriated under section 102(a)(3)—

19 (A) \$1,507,477,000 shall be available for the  
20 final Seawolf attack submarine (SSN-23); and

21 (B) \$814,498,000 shall be available for design  
22 and advance procurement in fiscal year 1996 for the  
23 lead submarine and the second submarine under the  
24 New Attack Submarine program, of which—

1 (i) \$10,000,000 shall be available only for  
2 participation of Newport News Shipbuilding in  
3 the New Attack Submarine design; and

4 (ii) \$100,000,000 shall be available only  
5 for advance procurement and design of the sec-  
6 ond submarine under the New Attack Sub-  
7 marine program.

8 (2) Of amounts authorized under any provision of law  
9 to be appropriated for procurement for the Navy for fiscal  
10 year 1997 for shipbuilding and conversion, \$802,000,000  
11 shall be available for design and advance procurement in  
12 fiscal year 1997 for the lead submarine and the second  
13 submarine under the New Attack Submarine program, of  
14 which—

15 (A) \$75,000,000 shall be available only for par-  
16 ticipation by Newport News Shipbuilding in the New  
17 Attack Submarine design; and

18 (B) \$427,000,000 shall be available only for ad-  
19 vance procurement and design of the second sub-  
20 marine under the New Attack Submarine program.

21 (3) Of the amount authorized to be appropriated  
22 under section 201(2), \$455,398,000 shall be available for  
23 research, development, test, and evaluation for the New  
24 Attack Submarine program.

1 (b) COMPETITION REQUIRED.—Funds referred to in  
2 subsection (c) may not be obligated until the Secretary  
3 of the Navy certifies in writing to the Committee on  
4 Armed Services of the Senate and the Committee on Na-  
5 tional Security of the House of Representatives that—

6 (1) the Secretary has restructured the New At-  
7 tack Submarine program in accordance with this  
8 section so as to provide for—

9 (A) procurement of the lead vessel under  
10 the New Attack Submarine program from the  
11 Electric Boat Division beginning in fiscal year  
12 1998, if the price offered by Electric Boat Divi-  
13 sion is determined by the Secretary as being  
14 fair and reasonable;

15 (B) procurement of the second vessel  
16 under the New Attack Submarine program  
17 from Newport News Shipbuilding beginning in  
18 fiscal year 1999, if the price offered by New-  
19 port News Shipbuilding is determined by the  
20 Secretary as being fair and reasonable; and

21 (C) procurement of other vessels under the  
22 New Attack Submarine program under one or  
23 more contracts that are entered into after com-  
24 petition between potential competitors (as de-  
25 fined in subsection (i)) in which the Secretary

1           shall solicit competitive proposals and award  
2           the contract or contracts on the basis of price;  
3           and

4           (2) the Secretary has directed, as set forth in  
5           detail in such certification, that no action prohibited  
6           in subsection (d) will be taken to impair the design,  
7           engineering, construction, and maintenance com-  
8           petencies of either Electric Boat Division or New-  
9           port News Shipbuilding to construct the New Attack  
10          Submarine.

11          (c) COVERED FUNDS.—The funds referred to in sub-  
12         section (b) are as follows:

13           (1) Funds available to the Navy for any fiscal  
14           year after fiscal year 1995 for procurement of the  
15           final Seawolf attack submarine (SSN-23) pursuant  
16           to this Act or any Act enacted after the date of the  
17           enactment of this Act.

18           (2) Funds available to the Navy for any such  
19           fiscal year for research, development, test, and eval-  
20           uation or for procurement (including design and ad-  
21           vance procurement) for the New Attack Submarine  
22           program pursuant to this Act or any Act enacted  
23           after the date of the enactment of this Act.

24          (d) LIMITATION ON CERTAIN ACTIONS.—In order to  
25         ensure that Electric Boat Division and Newport News

1 Shipbuilding retain the technical competencies to con-  
2 struct the New Attack Submarine, the following actions  
3 are prohibited:

4 (1) A termination of or failure to extend, except  
5 by reason of a breach of contract by the contractor  
6 or an insufficiency of appropriations—

7 (A) the existing Planning Yard contract  
8 for the Trident class submarines; or

9 (B) the existing Planning Yard contract  
10 for the SSN-688 Los Angeles class submarines.

11 (2) A termination of any existing Lead Design  
12 Yard contract for the SSN-21 Seawolf class sub-  
13 marines or for the SSN-688 Los Angeles class sub-  
14 marines, except by reason of a breach of contract by  
15 the contractor or an insufficiency of appropriations.

16 (3) A failure of, or refusal by, the Department  
17 of the Navy to permit both Electric Boat Division  
18 and Newport News Shipbuilding to have access to  
19 sufficient information concerning the design of the  
20 New Attack Submarine to ensure that each is capa-  
21 ble of constructing the New Attack Submarine.

22 (e) LIMITATION ON EXPENDITURE OF FUNDS FOR  
23 SEAWOLF PROGRAM.—Of the funds referred to in sub-  
24 section (c)(1)—

1           (1) not more than \$700,000,000 may be ex-  
2           pended in fiscal year 1996;

3           (2) not more than an additional \$200,000,000  
4           may be expended in fiscal year 1997;

5           (3) not more than an additional \$200,000,000  
6           may be expended in fiscal year 1998; and

7           (4) not more than an additional \$407,477,000  
8           may be expended in fiscal year 1999.

9           (f) LIMITATION ON EXPENDITURE OF FUNDS FOR  
10          NEW ATTACK SUBMARINE PROGRAM.—Funds referred to  
11          in subsection (c)(2) that are available for the lead and sec-  
12          ond vessels under the New Attack Submarine program  
13          may not be expended during fiscal year 1996 for the lead  
14          vessel under that program (other than for class design)  
15          unless funds are obligated or expended during such fiscal  
16          year for a contract in support of procurement of the sec-  
17          ond vessel under the program.

18          (g) REPORTS REQUIRED.—Not later than November  
19          1, 1995, and every six months thereafter through Novem-  
20          ber 1, 1998, the Secretary of the Navy shall submit to  
21          the Committee on Armed Services of the Senate and the  
22          Committee on National Security of the House of Rep-  
23          resentatives a report setting forth the obligations and ex-  
24          penditures of funds for—

1           (1) the procurement of the final Seawolf attack  
2 submarine (SSN-23); and

3           (2) research, development, test, and evaluation  
4 or for procurement (including design and advance  
5 procurement) for the lead and second vessels under  
6 the New Attack Submarine program.

7           (h) REFERENCES TO CONTRACTORS.—For purposes  
8 of this section—

9           (1) the contractor referred to as “Electric Boat  
10 Division” is General Dynamics Corporation Electric  
11 Boat Division; and

12           (2) the contractor referred to as “Newport  
13 News Shipbuilding” is Newport News Shipbuilding  
14 and Drydock Company.

15           (i) DEFINITIONS.—In this section:

16           (1) The term “potential competitor” means any  
17 source to which the Secretary of the Navy has  
18 awarded, within 10 years before the date of the en-  
19 actment of this Act, a contract or contracts to con-  
20 struct one or more nuclear attack submarines.

21           (2) The term “New Attack Submarine” means  
22 any submarine planned or programmed by the Navy  
23 as a class of submarines the lead ship of which is  
24 planned by the Navy, as of the date of the enact-



1 **“§ 7315. Planning for funding construction**

2 “(a) PLANNING FOR SPLIT FUNDING.—The Sec-  
3 retary of Defense may provide in the future-years defense  
4 program for split funding of construction of new naval ves-  
5 sels satisfying the requirements of subsection (d).

6 “(b) SPLIT FUNDING REQUESTS.—In the case of  
7 construction of a new naval vessel satisfying the require-  
8 ments of subsection (d), the Secretary of the Navy shall—

9 “(1) determine the total amount that is nec-  
10 essary for construction of the vessel, including an al-  
11 lowance for future inflation; and

12 “(2) request funding for construction of the  
13 vessel in two substantially equal increments.

14 “(c) CONTRACT AUTHORIZED UPON FUNDING OF  
15 FIRST INCREMENT.—(1) The Secretary of the Navy may  
16 enter into a contract for the construction of a new naval  
17 vessel upon appropriation of a first increment of funding  
18 for construction of the vessel.

19 “(2) A contract entered into in accordance with para-  
20 graph (1) shall include a liquidated damages clause for  
21 any termination of the contract for the convenience of the  
22 Government that occurs before the remainder of the  
23 amount necessary for full funding of the contract is appro-  
24 priated.

25 “(d) APPLICABILITY.—This section applies to con-  
26 struction of a naval vessel—

1           “(1) that is in a class of vessels for which the  
2           design is mature and there is sufficient construction  
3           experience for the costs of construction to be well  
4           understood and predictable; and

5           “(2) for which—

6                   “(A) provision is made in the future-years  
7                   defense program; or

8                   “(B) the Chairman of the Joint Chiefs of  
9                   Staff, in consultation with the Secretary of the  
10                  Navy, has otherwise determined that there is a  
11                  valid military requirement.”.

12           (b) CLERICAL AMENDMENT.—The table of sections  
13           at the beginning of chapter 633 of such title is amended  
14           by adding at the end the following:

          “7315. Planning for funding construction.”.

15   **SEC. 125. SEAWOLF SUBMARINE PROGRAM.**

16           (a) LIMITATION OF COSTS.—Except as provided in  
17           subsection (b), the total amount obligated or expended for  
18           procurement of the SSN-21, SSN-22, and SSN-23  
19           Seawolf class submarines may not exceed \$7,223,659,000.

20           (b) AUTOMATIC INCREASE OF LIMITATION  
21           AMOUNT.—The amount of the limitation set forth in sub-  
22           section (a) is increased after fiscal year 1995 by the fol-  
23           lowing amounts:

1           (1) The amounts of outfitting costs and post-  
2           delivery costs incurred for the submarines referred  
3           to in such subsection.

4           (2) The amounts of increases in costs attrib-  
5           utable to economic inflation after fiscal year 1995.

6           (3) The amounts of increases in costs attrib-  
7           utable to compliance with changes in Federal, State,  
8           or local laws enacted after fiscal year 1995.

9   **SEC. 126. CRASH ATTENUATING SEATS ACQUISITION PRO-**  
10                                   **GRAM.**

11           (a) PROGRAM AUTHORIZED.—The Secretary of the  
12           Navy may establish a program to procure for, and install  
13           in, H-53E military transport helicopters commercially de-  
14           veloped, energy absorbing, crash attenuating seats that  
15           the Secretary determines are consistent with military spec-  
16           ifications for seats for such helicopters.

17           (b) FUNDING.—To the extent provided in appropria-  
18           tions Acts, of the unobligated balance of amounts appro-  
19           priated for the Legacy Resource Management Program  
20           pursuant to the authorization of appropriations in section  
21           301(5) of the National Defense Authorization Act for Fis-  
22           cal Year 1995 (Public Law 103-337; 108 Stat. 2706), not  
23           more than \$10,000,000 shall be available to the Secretary  
24           of the Navy, by transfer to the appropriate accounts, for  
25           carrying out the program authorized in subsection (a).

1           **Subtitle D—Other Programs**

2   **SEC. 131. TIER II PREDATOR UNMANNED AERIAL VEHICLE**  
3                   **PROGRAM.**

4           Funds appropriated or otherwise made available for  
5 the Department of Defense for fiscal year 1996 for pro-  
6 curement or for research, development, test, and evalua-  
7 tion may not be obligated or expended for the Tier II  
8 Predator unmanned aerial vehicle program.

9   **SEC. 132. PIONEER UNMANNED AERIAL VEHICLE PRO-**  
10                   **GRAM.**

11           Not more than  $\frac{1}{6}$  of the amount appropriated pursu-  
12 ant to this Act for the activities and operations of the Un-  
13 manned Aerial Vehicle Joint Program Office (UAV-JPO),  
14 and none of the unobligated balances of funds appro-  
15 priated for fiscal years before fiscal year 1996 for the ac-  
16 tivities and operations of such office, may be obligated  
17 until the Secretary of the Navy certifies to the Committee  
18 on Armed Services of the Senate and the Committee on  
19 National Security of the House of Representatives that the  
20 nine Pioneer Unmanned Aerial Vehicle systems have been  
21 equipped with the Common Automatic Landing and Re-  
22 covery System (CARS).

1 **SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM**  
2 **PROGRAM.**

3 Of the amount authorized to be appropriated under  
4 section 103(1), \$54,968,000 shall be available for the  
5 Joint Primary Aircraft Training System program for pro-  
6 curement of up to eight aircraft.

7 **TITLE II—RESEARCH, DEVELOP-**  
8 **MENT, TEST, AND EVALUA-**  
9 **TION**

10 **Subtitle A—Authorization of**  
11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 1996 for the use of the Department of Defense  
15 for research, development, test, and evaluation as follows:

16 (1) For the Army, \$4,845,097,000.

17 (2) For the Navy, \$8,624,230,000.

18 (3) For the Air Force, \$13,087,389,000.

19 (4) For Defense-wide activities,  
20 \$9,533,148,000, of which—

21 (A) \$239,341,000 is authorized for the ac-  
22 tivities of the Director, Test and Evaluation;

23 (B) \$22,587,000 is authorized for the Di-  
24 rector of Operational Test and Evaluation; and

25 (C) \$475,470,000 is authorized for Other  
26 Theater Missile Defense, of which up to

1           \$25,000,000 may be made available for the op-  
2           eration of the Battlefield Integration Center.

3 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**  
4 **ATORY DEVELOPMENT.**

5           (a) FISCAL YEAR 1996.—Of the amounts authorized  
6 to be appropriated by section 201, \$4,076,580,000 shall  
7 be available for basic research and exploratory develop-  
8 ment projects.

9           (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-  
10 MENT DEFINED.—For purposes of this section, the term  
11 “basic research and exploratory development” means work  
12 funded in program elements for defense research and de-  
13 velopment under Department of Defense category 6.1 or  
14 6.2.

15 **Subtitle B—Program Require-**  
16 **ments, Restrictions, and Limita-**  
17 **tions**

18 **SEC. 211. A/F117X LONG-RANGE, MEDIUM ATTACK AIR-**  
19 **CRAFT.**

20           Of the amount authorized to be appropriated by sec-  
21 tion 201(2) for the Joint Advanced Strike Technology pro-  
22 gram—

23           (1) \$25,000,000 shall be available for the con-  
24 duct, during fiscal year 1996, of a 6-month program  
25 definition phase for the A/F117X, an F-117 fighter

1 aircraft modified for use by the Navy as a long-  
2 range, medium attack aircraft; and

3 (2) \$150,000,000 shall be available for engi-  
4 neering and manufacturing development of the  
5 A/F117X aircraft, except that none of such amount  
6 may be obligated until the Secretary of the Navy,  
7 after considering the results of the program defini-  
8 tion phase, approves proceeding into engineering and  
9 manufacturing development of the A/F117X air-  
10 craft.

11 **SEC. 212. NAVY MINE COUNTERMEASURES PROGRAM.**

12 Section 216(a) of the National Defense, Authoriza-  
13 tion Act for Fiscal Years 1992 and 1993 (Public Law 102-  
14 190; 105 Stat. 1317) is amended—

15 (1) by striking out “Director, Defense Research  
16 and Engineering” and inserting in lieu thereof  
17 “Under Secretary of Defense for Acquisition and  
18 Technology”; and

19 (2) by striking out “fiscal years 1995 through  
20 1999” and inserting in lieu thereof “fiscal years  
21 1997 through 1999”.

22 **SEC. 213. MARINE CORPS SHORE FIRE SUPPORT.**

23 Of the amount appropriated pursuant to section  
24 201(2) for the Tomahawk Baseline Improvement Pro-  
25 gram, not more than 50 percent of that amount may be

1 obligated until the Secretary of the Navy certifies to the  
2 Committee on Armed Services of the Senate and the Com-  
3 mittee on National Security of the House of Representa-  
4 tives that the Secretary has structured, and planned for  
5 full funding of, a program leading to a live-fire test of  
6 an Army Extended Range Multiple Launch Rocket from  
7 an Army Multiple Launch Rocket Launcher on a Navy  
8 ship before October 1, 1997.

9 **SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PRO-**  
10 **GRAM.**

11 (a) DEVELOPMENT AND DEPLOYMENT PLAN.—The  
12 Secretary of the Air Force shall structure the development  
13 schedule for the Space and Missile Tracking System so  
14 as to achieve a first launch of a user operation evaluation  
15 system (UOES) satellite in fiscal year 2001, and to attain  
16 initial operational capability (IOC) of a full constellation  
17 of user operation evaluation systems and objective system  
18 satellites in fiscal year 2003.

19 (b) MANAGEMENT OVERSIGHT.—In exercising the re-  
20 sponsibility for the Space and Missile Tracking System  
21 program, the Secretary of the Air Force shall first obtain  
22 the concurrence of the Director of the Ballistic Missile De-  
23 fense Organization before implementing any decision that  
24 would have any of the following results regarding the pro-  
25 gram:

1           (1) A reduction in funds available for obligation  
2 or expenditure for the program for a fiscal year  
3 below the amount specifically authorized and appro-  
4 priated for the program for that fiscal year.

5           (2) An increase in the total program cost.

6           (3) A delay in a previously established develop-  
7 ment or deployment schedule.

8           (4) A modification in the performance param-  
9 eters or specifications.

10       (c) AUTHORIZATION.—Of the amount authorized to  
11 be appropriated under section 201(3) for fiscal year 1996,  
12 \$249,824,000 shall be available for the Space and Missile  
13 Tracking System (SMTS) program.

14 **SEC. 215. PRECISION GUIDED MUNITIONS.**

15       (a) ANALYSIS REQUIRED.—The Secretary of Defense  
16 shall perform an analysis of the full range of precision  
17 guided munitions in production and in research, develop-  
18 ment, test, and evaluation in order to determine the fol-  
19 lowing:

20           (1) The numbers and types of precision guided  
21 munitions that are needed to provide a complemen-  
22 tary capability against each target class.

23           (2) The feasibility of carrying out joint develop-  
24 ment and procurement of additional munition types  
25 by more than one of the Armed Forces.

1           (3) The feasibility of integrating a particular  
2 precision guided munition on multiple service plat-  
3 forms.

4           (4) The economy and effectiveness of continu-  
5 ing acquisition of—

6                 (A) interim precision guided munitions; or

7                 (B) precision guided munitions that, as a  
8 result of being procured in decreasing numbers  
9 to meet decreasing quantity requirements, have  
10 increased in cost per unit by more than 50 per-  
11 cent over the cost per unit for such munitions  
12 as of December 1, 1991.

13         (b) REPORT.—(1) Not later than February 1, 1996,  
14 the Secretary shall submit to Congress a report on the  
15 findings and other results of the analysis.

16         (2) The report shall include a detailed discussion of  
17 the process by which the Department of Defense—

18                 (A) approves the development of new precision  
19 guided munitions;

20                 (B) avoids duplication and redundancy in the  
21 precision guided munitions programs of the Army,  
22 Navy, Air Force, and Marine Corps;

23                 (C) ensures rationality in the relationship be-  
24 tween the funding plans for precision guided muni-  
25 tions modernization for fiscal years following fiscal

1 year 1996 and the costs of such modernization for  
2 those fiscal years; and

3 (D) identifies by name and function each per-  
4 son responsible for approving each new precision  
5 guided munition for initial low-rate production.

6 (c) FUNDING LIMITATION.—Funds authorized to be  
7 appropriated by this Act may not be expended for re-  
8 search, development, test, and evaluation or procurement  
9 of interim precision guided munitions until the Secretary  
10 of Defense submits the report under subsection (b).

11 (d) INTERIM PRECISION GUIDED MUNITION DE-  
12 FINED.—For purposes of paragraph (1), a precision guid-  
13 ed munition is an interim precision guided munition if the  
14 munition is being procured in fiscal year 1996, but fund-  
15 ing is not proposed for additional procurement of the mu-  
16 nition in the fiscal years after fiscal year 1996 in the fu-  
17 ture years defense program submitted to Congress in 1995  
18 under section 221(a) of title 10, United States Code.

19 **SEC. 216. DEFENSE NUCLEAR AGENCY PROGRAMS.**

20 (a) AGENCY FUNDING.—Of the amounts authorized  
21 to be appropriated to the Department of Defense in sec-  
22 tion 201, \$252,900,000 shall be available for the Defense  
23 Nuclear Agency.

24 (b) TUNNEL CHARACTERIZATION AND NEUTRALIZA-  
25 TION PROGRAM.—Of the amount available under sub-

1 section (a), \$3,000,000 shall be available for a tunnel  
2 characterization and neutralization program to be man-  
3 aged by the Defense Nuclear Agency as part of the  
4 counterproliferation activities of the Department of De-  
5 fense.

6 (c) LONG-TERM RADIATION TOLERANT MICROELEC-  
7 TRONICS PROGRAM.—(1) Of the amount available under  
8 subsection (a), \$6,000,000 shall be available for the estab-  
9 lishment of a long-term radiation tolerant microelectronics  
10 program to be managed by the Defense Nuclear Agency  
11 for the purposes of—

12 (A) providing for the development of affordable  
13 and effective hardening technologies and for incorpo-  
14 ration of such technologies into systems;

15 (B) sustaining the supporting industrial base;  
16 and

17 (C) ensuring that a use of a nuclear weapon in  
18 regional threat scenarios does not interrupt or defeat  
19 the continued operability of systems of the Armed  
20 Forces exposed to the combined effects of radiation  
21 emitted by the weapon.

22 (2) Not later than 120 days after the date of the en-  
23 actment of this Act, the Secretary of Defense shall submit  
24 to Congress a report on how the long-term radiation toler-  
25 ant microelectronics program is to be conducted and fund-

1 ed in the fiscal years after fiscal year 1996 that are cov-  
2 ered by the future-years defense program submitted to  
3 Congress in 1995.

4 **SEC. 217. COUNTERPROLIFERATION SUPPORT PROGRAM.**

5 (a) FUNDING.—Of the funds authorized to be appro-  
6 priated to the Department of Defense under section  
7 201(4), \$144,500,000 shall be available for the  
8 Counterproliferation Support Program, of which—

9 (1) \$30,000,000 shall be available for a tactical  
10 antisatellite technologies program; and

11 (2) \$6,300,000 shall be available for research  
12 and development of technologies for Special Oper-  
13 ations Command (SOCOM) counterproliferation ac-  
14 tivities.

15 (b) ADDITIONAL AUTHORITY TO TRANSFER AU-  
16 THORIZATIONS.—(1) In addition to the transfer authority  
17 provided in section 1003, upon determination by the Sec-  
18 retary of Defense that such action is necessary in the na-  
19 tional interest, the Secretary may transfer amounts of au-  
20 thorizations made available to the Department of Defense  
21 in this division for fiscal year 1996 to counterproliferation  
22 programs, projects, and activities identified as areas for  
23 progress by the Counterproliferation Program Review  
24 Committee established by section 1605 of the National  
25 Defense Authorization Act for Fiscal Year 1994 (Public

1 Law 103–160). Amounts of authorizations so transferred  
2 shall be merged with and be available for the same pur-  
3 poses as the authorization to which transferred.

4 (2) The total amount of authorizations that the Sec-  
5 retary may transfer under the authority of this subsection  
6 may not exceed \$50,000,000.

7 (3) The authority provided by this subsection to  
8 transfer authorizations—

9 (A) may only be used to provide authority for  
10 items that have a higher priority than the items  
11 from which authority is transferred; and

12 (B) may not be used to provide authority for an  
13 item that has been denied authorization by Con-  
14 gress.

15 (4) A transfer made from one account to another  
16 under the authority of this subsection shall be deemed to  
17 increase the amount authorized for the account to which  
18 the amount is transferred by an amount equal to the  
19 amount transferred.

20 (5) The Secretary of Defense shall promptly notify  
21 Congress of transfers made under the authority of this  
22 subsection.

23 **SEC. 218. NONLETHAL WEAPONS PROGRAM.**

24 (a) ESTABLISHMENT OF PROGRAM OFFICE.—The  
25 Secretary of Defense shall establish in the Office of the

1 Under Secretary of Defense for Acquisition and Tech-  
2 nology a Program Office for Nonlethal Systems and Tech-  
3 nologies to conduct research, development, testing, and  
4 evaluation of nonlethal weapons applicable to forces en-  
5 gaged in both traditional and nontraditional military oper-  
6 ations.

7 (b) FUNDING.—Of the amount authorized to be ap-  
8 propriated under section 201(4), \$37,200,000 shall be  
9 available for the Program Office for Nonlethal Systems  
10 and Technologies.

11 **SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOP-**  
12 **MENT CENTERS.**

13 (a) CENTERS COVERED.—Funds appropriated or  
14 otherwise made available for the Department of Defense  
15 for fiscal year 1996 pursuant to an authorization of appro-  
16 priations in section 201 may be obligated to procure work  
17 from a federally funded research and development center  
18 only in the case of a center named in the report required  
19 by subsection (b) and, in the case of such a center, only  
20 in an amount not in excess of the amount of the proposed  
21 funding level set forth for that center in such report.

22 (b) REPORT ON ALLOCATIONS FOR CENTERS.—(1)  
23 Not later than 30 days after the date of the enactment  
24 of this Act, the Secretary of Defense shall submit to the  
25 Committee on Armed Services of the Senate and the Com-

1 mittee on National Security of the House of Representa-  
2 tives a report containing—

3           (A) the name of each federally funded research  
4           and development center from which work is proposed  
5           to be procured for the Department of Defense for  
6           fiscal year 1996; and

7           (B) for each such center, the proposed funding  
8           level and the estimated personnel level for fiscal year  
9           1996.

10          (2) The total of the proposed funding levels set forth  
11          in the report for all federally funded research and develop-  
12          ment centers may not exceed the amount set forth in sub-  
13          section (d).

14          (c) LIMITATION PENDING SUBMISSION OF RE-  
15          PORT.—No funds appropriated or otherwise made avail-  
16          able for the Department of Defense for fiscal year 1996  
17          may be obligated to procure work from a federally funded  
18          research and development center until the Secretary of  
19          Defense submits the report required by subsection (b).

20          (d) FUNDING.—Of the amounts authorized to be ap-  
21          propriated by section 201, not more than a total of  
22          \$1,162,650,000 may be obligated to procure services from  
23          the federally funded research and development centers  
24          named in the report required by subsection (b).

1           (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—  
2 The Secretary of Defense may waive the limitation regard-  
3 ing the maximum funding amount that applies under sub-  
4 section (a) to a federally funded research and development  
5 center. Whenever the Secretary proposes to make such a  
6 waiver, the Secretary shall submit to the Committee on  
7 Armed Services of the Senate and the Committee on Na-  
8 tional Security of the House of Representatives notice of  
9 the proposed waiver and the reasons for the waiver. The  
10 waiver may then be made only after the end of the 60-  
11 day period that begins on the date on which the notice  
12 is submitted to those committees, unless the Secretary de-  
13 termines that it is essential to the national security that  
14 funds be obligated for work at that center in excess of  
15 that limitation before the end of such period and notifies  
16 the Committee on Armed Services of the Senate and the  
17 Committee on National Security of the House of Rep-  
18 resentatives of that determination and the reasons for the  
19 determination.

20           (f) UNDISTRIBUTED REDUCTION.—The total amount  
21 authorized to be appropriated for research, development,  
22 test, and evaluation in section 201 is hereby reduced by  
23 \$90,000,000.

1 **SEC. 220. STATES ELIGIBLE FOR ASSISTANCE UNDER DE-**  
2 **FENSE EXPERIMENTAL PROGRAM TO STIMU-**  
3 **LATE COMPETITIVE RESEARCH.**

4 Subparagraph (A) of section 257(d)(2) of the Na-  
5 tional Defense Authorization Act for Fiscal Year 1995  
6 (Public Law 103-337; 108 Stat. 2705; 10 U.S.C. 2358  
7 note) is amended to read as follows:

8 “(A) the amount of all Department of Defense  
9 obligations for science and engineering research and  
10 development that were in effect with institutions of  
11 higher education in the State for the fiscal year pre-  
12 ceding the fiscal year for which the designation is ef-  
13 fective or for the last fiscal year for which statistics  
14 are available is less than the amount determined by  
15 multiplying 60 percent times  $\frac{1}{50}$  of the total amount  
16 of all Department of Defense obligations for science  
17 and engineering research and development that were  
18 in effect with institutions of higher education in the  
19 United States for such preceding or last fiscal year,  
20 as the case may be (to be determined in consultation  
21 with the Secretary of Defense);”.

1 **SEC. 221. NATIONAL DEFENSE TECHNOLOGY AND INDUS-**  
2 **TRIAL BASE, DEFENSE REINVESTMENT, AND**  
3 **CONVERSION.**

4 (a) REPEAL OF CERTAIN AUTHORITIES AND RE-  
5 QUIREMENTS.—Chapter 148 of title 10, United States  
6 Code, is amended—

7 (1) in section 2491—

8 (A) by striking out paragraphs (12), (13),  
9 (14), and (15); and

10 (B) by redesignating paragraph (16) as  
11 paragraph (12);

12 (2) in section 2501—

13 (A) by striking out subsection (b); and

14 (B) by redesignating subsection (c) as sub-  
15 section (b); and

16 (3) by striking out sections 2512, 2513, 2516,  
17 2520, 2523, and 2524.

18 (b) CRITERIA FOR SELECTION OF DEFENSE AD-  
19 VANCED MANUFACTURING TECHNOLOGY PARTNER-  
20 SHIPS.—Subsection (d) of section 2522 of such title is  
21 amended to read as follows:

22 “(d) SELECTION CRITERIA.—The criteria for the se-  
23 lection of proposed partnerships for establishment under  
24 this section shall be the criteria specified in section  
25 2511(f) of this title.”.

1 (c) CONFORMING AMENDMENTS.—(1) Section  
2 2516(b) of such title is amended—

3 (A) by inserting “and” at the end of paragraph  
4 (2);

5 (B) by striking out “; and” at the end of para-  
6 graph (3) and inserting in lieu thereof a period; and

7 (C) by striking out paragraph (4).

8 (2) Section 2524 of such title is amended—

9 (A) in subsection (a), by striking out “and the  
10 defense reinvestment, diversification, and conversion  
11 program objectives set forth in section 2501(b) of  
12 this title”; and

13 (B) in subsection (f), by striking out “and the  
14 reinvestment, diversification, and conversion pro-  
15 gram objectives set forth in section 2501(b) of this  
16 title”.

17 (d) CLERICAL AMENDMENTS.—(1) The table of sec-  
18 tions at the beginning of subchapter III of chapter 148  
19 of title 10, United States Code, is amended by striking  
20 out the items relating to sections 2512, 2513, 2516, and  
21 2520.

22 (2) The table of sections at the beginning of sub-  
23 chapter IV of such chapter is amended by striking out the  
24 items relating to sections 2523 and 2524.

1 **SEC. 222. REVISIONS OF MANUFACTURING SCIENCE AND**  
2 **TECHNOLOGY PROGRAM.**

3 (a) PARTICIPATION OF DoD LABORATORIES IN ES-  
4 TABLISHMENT OF PROGRAM.—Subsection (a) of section  
5 2525 of title 10, United States Code, is amended by in-  
6 serting after the first sentence the following: “The Sec-  
7 retary shall use the manufacturing science and technology  
8 joint planning process of the directors of the Department  
9 of Defense laboratories in establishing the program.”.

10 (b) PARTICIPATION OF EQUIPMENT MANUFACTUR-  
11 ERS IN PROJECTS.—Subsection (c) of such section is  
12 amended—

13 (1) by inserting “(1)” after

14 “(c) EXECUTION.—”; and

15 (2) by adding at the end the following:

16 “(2) The Secretary shall seek, to the extent prac-  
17 ticable, the participation of manufacturers of manufactur-  
18 ing equipment in the projects under the program.”.

19 **SEC. 223. PREPAREDNESS OF THE DEPARTMENT OF DE-**  
20 **FENSE TO RESPOND TO MILITARY AND CIVIL**  
21 **DEFENSE EMERGENCIES RESULTING FROM A**  
22 **CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR**  
23 **NUCLEAR ATTACK.**

24 (a) REPORT.—Not later than February 28, 1996, the  
25 Secretary of Defense and the Secretary of Energy, in con-  
26 sultation with the Director of the Federal Emergency

1 Management Agency, shall jointly submit to Congress a  
2 report on the plans and programs of the Department of  
3 Defense to prepare for and respond to military and civil  
4 defense emergencies resulting from a chemical, biological,  
5 radiological, or nuclear attack on the United States.

6 (b) CONTENT OF REPORT.—The report shall contain  
7 the following:

8 (1) A discussion of—

9 (A) the consequences of an attack for  
10 which the Department of Defense has a respon-  
11 sibility to provide a primary response; and

12 (B) the plans and programs for preparing  
13 for and providing that response.

14 (2) A discussion of—

15 (A) the consequences of an attack for  
16 which the Department of Defense has a respon-  
17 sibility to provide a supporting response; and

18 (B) the plans and programs for preparing  
19 for and providing that response.

20 (3) Any actions and recommended legislation  
21 that the Secretary considers necessary for improving  
22 the preparedness of the Department of Defense to  
23 respond effectively to the consequences of a chemi-  
24 cal, biological, radiological, or nuclear attack on the  
25 United States.

1 **SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC**  
2 **NETWORK.**

3 To the extent provided in appropriations Acts,  
4 \$9,500,000 of the unobligated balance of funds available  
5 to the Air Force for research, development, test, and eval-  
6 uation for fiscal year 1995 shall be available for continu-  
7 ation of the Joint Seismic Program and Global Seismic  
8 Network.

9 **SEC. 225. DEPRESSED ALTITUDE GUIDED GUN ROUND SYS-**  
10 **TEM.**

11 Of the amount authorized to be appropriated under  
12 section 201(1), \$5,000,000 is authorized to be appro-  
13 priated for continued development of the depressed alti-  
14 tude guided gun round system.

15 **SEC. 226. ARMY ECHELON ABOVE CORPS COMMUNICA-**  
16 **TIONS.**

17 Of the amount authorized to be appropriated under  
18 section 201(3), \$40,000,000 is hereby transferred to the  
19 authorization of appropriations under section 101(5) for  
20 procurement of communications equipment for Army eche-  
21 lons above corps.

22 **SEC. 227. TESTING OF THEATER MISSILE DEFENSE INTER-**  
23 **CEPTORS.**

24 (a) The Secretary of Defense may not approve a thea-  
25 ter missile defense interceptor program proceeding beyond  
26 the low-rate initial production acquisition stage until the

1 Secretary certifies to the congressional defense committees  
2 that such program has successfully completed initial oper-  
3 ational test and evaluation, and is found to be a suitable  
4 and effective system.

5 (b) In order to be certified under subsection (a) as  
6 having been successfully completed, the initial operational  
7 test and evaluation conducted with respect to an intercep-  
8 tor program must have included flight tests—

9 (1) that were conducted with multiple intercep-  
10 tors and multiple targets in the presence of realistic  
11 countermeasures; and

12 (2) the results of which demonstrate the  
13 achievement by the interceptors of the baseline per-  
14 formance thresholds.

15 (c) For purposes of this section, the baseline perform-  
16 ance thresholds with respect to a program are the weapons  
17 systems performance thresholds specified in the baseline  
18 description for the system established (pursuant to section  
19 2435(a)(1) of title 10, United States Code) before the pro-  
20 gram entered the engineering and manufacturing develop-  
21 ment stage.

22 (d) The number of flight tests described in subsection  
23 (b) that are required in order to make the certification  
24 under subsection (a) shall be a number determined by the

1 Director of Operational Test and Evaluation to be suffi-  
2 cient for the purposes of this section.

3 (e) The Secretary may augment flight testing to dem-  
4 onstrate weapons system performance goals for purposes  
5 of the certification under subsection (a) through the use  
6 of modeling and simulation that is validated by ground  
7 and flight testing.

8 (f) The Director of Operational Test and Evaluation  
9 and Ballistic Missile Defense Organization shall include  
10 in their annual reports to Congress plans to adequately  
11 test theater missile defense interceptor programs through-  
12 out the acquisition process. As these theater missile de-  
13 fense systems progress through the acquisition process,  
14 the Director of Operational Test and Evaluation and Bal-  
15 listic Missile Defense Organization shall include in their  
16 annual reports to Congress an assessment of how these  
17 programs satisfy planned test objectives.

## 18 **Subtitle C—Missile Defense**

### 19 **SEC. 231. SHORT TITLE.**

20 This subtitle may be cited as the “Missile Defense  
21 Act of 1995”.

### 22 **SEC. 232. FINDINGS.**

23 Congress makes the following findings:

24 (1) The threat that is posed to the national se-  
25 curity of the United States by the proliferation of

1 ballistic and cruise missiles is significant and grow-  
2 ing, both quantitatively and qualitatively.

3 (2) The deployment of effective Theater Missile  
4 Defense systems can deny potential adversaries the  
5 option of escalating a conflict by threatening or at-  
6 tacking United States forces, coalition partners of  
7 the United States, or allies of the United States with  
8 ballistic missiles armed with weapons of mass de-  
9 struction to offset the operational and technical ad-  
10 vantages of the United States and its coalition part-  
11 ners and allies.

12 (3) The intelligence community of the United  
13 States has estimated that (A) the missile prolifera-  
14 tion trend is toward longer range and more sophisti-  
15 cated ballistic missiles, (B) North Korea may deploy  
16 an intercontinental ballistic missile capable of reach-  
17 ing Alaska or beyond within 5 years, and (C) al-  
18 though a new indigenously developed ballistic missile  
19 threat to the continental United States is not fore-  
20 cast within the next 10 years there is a danger that  
21 determined countries will acquire intercontinental  
22 ballistic missiles in the near future and with little  
23 warning by means other than indigenous develop-  
24 ment.

1           (4) The deployment by the United States and  
2 its allies of effective defenses against ballistic mis-  
3 siles of all ranges, as well as against cruise missiles,  
4 can reduce the incentives for countries to acquire  
5 such missiles or to augment existing missile capabili-  
6 ties.

7           (5) The Cold War distinction between strategic  
8 ballistic missiles and nonstrategic ballistic missiles  
9 and, therefore, the ABM Treaty's distinction be-  
10 tween strategic defense and nonstrategic defense,  
11 has changed because of technological advancements  
12 and should be reviewed.

13           (6) The concept of mutual assured destruction,  
14 which was one of the major philosophical rationales  
15 for the ABM Treaty, is now questionable as a basis  
16 for stability in a multipolar world in which the Unit-  
17 ed States and the states of the former Soviet Union  
18 are seeking to normalize relations and eliminate  
19 Cold War attitudes and arrangements.

20           (7) Theater and national missile defenses can  
21 contribute to the maintenance of stability as missile  
22 threats proliferate and as the United States and the  
23 former Soviet Union significantly reduce the number  
24 of strategic nuclear forces in their respective inven-  
25 tories.

1           (8) Although technology control regimes and  
2 other forms of international arms control can con-  
3 tribute to nonproliferation, such measures alone are  
4 inadequate for dealing with missile proliferation, and  
5 should not be viewed as alternatives to missile de-  
6 fenses and other active and passive defenses.

7           (9) Due to limitations in the ABM Treaty  
8 which preclude deployment of more than 100  
9 ground-based ABM interceptors at a single site, the  
10 United States is currently prohibited from deploying  
11 a national missile defense system capable of defend-  
12 ing the continental United States, Alaska, and Ha-  
13 waii against even the most limited ballistic missile  
14 attacks.

15 **SEC. 233. MISSILE DEFENSE POLICY.**

16 It is the policy of the United States to—

17           (1) deploy as soon as possible affordable and  
18 operationally effective theater missile defenses capa-  
19 ble of countering existing and emerging theater bal-  
20 listic missiles;

21           (2)(A) develop for deployment a multiple-site  
22 national missile defense system that: (i) is affordable  
23 and operationally effective against limited, acciden-  
24 tal, and unauthorized ballistic missile attacks on the  
25 territory of the United States, and (ii) can be aug-

1 mented over time as the threat changes to provide  
2 a layered defense against limited, accidental, or un-  
3 authorized ballistic missile threats;

4 (B) initiate negotiations with the Russian Fed-  
5 eration as necessary to provide for the national mis-  
6 sile defense systems specified in section 235; and

7 (C) consider, if those negotiations fail, the op-  
8 tion of withdrawing from the ABM Treaty in accord-  
9 ance with the provisions of Article XV of the Treaty,  
10 subject to consultations between the President and  
11 the Senate;

12 (3) ensure congressional review, prior to a deci-  
13 sion to deploy the system developed for deployment  
14 under paragraph (2), of: (A) the affordability and  
15 operational effectiveness of such a system; (B) the  
16 threat to be countered by such a system; and (C)  
17 ABM Treaty considerations with respect to such a  
18 system.

19 (4) improve existing cruise missile defenses and  
20 deploy as soon as practical defenses that are afford-  
21 able and operationally effective against advanced  
22 cruise missiles;

23 (5) pursue a focused research and development  
24 program to provide follow-on ballistic missile defense  
25 options;

1           (6) employ streamlined acquisition procedures  
2 to lower the cost and accelerate the pace of develop-  
3 ing and deploying theater missile defenses, cruise  
4 missile defenses, and national missile defenses;

5           (7) seek a cooperative transition to a regime  
6 that does not feature mutual assured destruction  
7 and an offense-only form of deterrence as the basis  
8 for strategic stability; and

9           (8) carry out the policies, programs, and re-  
10 quirements of subtitle C of title II of this Act  
11 through processes specified within, or consistent  
12 with, the ABM Treaty, which anticipates the need  
13 and provides the means for amendment to the Trea-  
14 ty.

15 **SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.**

16           (a) ESTABLISHMENT OF CORE PROGRAM.—To imple-  
17 ment the policy established in section 233, the Secretary  
18 of Defense shall establish a top priority core theater mis-  
19 sile defense program consisting of the following systems:

20           (1) The Patriot PAC-3 system, with a first  
21 unit equipped (FUE) in fiscal year 1998.

22           (2) The Navy Lower Tier (Area) system, with  
23 a user operational evaluation system (UOES) capa-  
24 bility in fiscal year 1997 and an initial operational  
25 capability (IOC) in fiscal year 1999.

1           (3) The Theater High-Altitude Area Defense  
2           (THAAD) system, with a user operational evaluation  
3           system (UOES) capability in fiscal year 1997 and  
4           an initial operational capability (IOC) no later than  
5           fiscal year 2002.

6           (4) The Navy Upper Tier (Theater Wide) sys-  
7           tem, with a user operational evaluation system  
8           (UOES) capability in fiscal year 1999 and an initial  
9           operational capability (IOC) in fiscal year 2001.

10          (b) INTEROPERABILITY AND SUPPORT OF CORE SYS-  
11          TEMS.—To maximize effectiveness and flexibility, the Sec-  
12          retary of Defense shall ensure that core theater missile  
13          defense systems are interoperable and fully capable of ex-  
14          ploiting external sensor and battle management support  
15          from systems such as the Navy's Cooperative Engagement  
16          Capability (CEC), the Army's Battlefield Integration Cen-  
17          ter (BIC), air and space-based sensors including, in par-  
18          ticular, the Space and Missile Tracking System (SMTS).

19          (c) TERMINATION OF PROGRAMS.—The Secretary of  
20          Defense shall terminate the Boost Phase Interceptor  
21          (BPI) program.

22          (d) FOLLOW-ON SYSTEMS.—(1) The Secretary of De-  
23          fense shall develop an affordable development plan for fol-  
24          low-on theater missile defense systems which leverages ex-  
25          isting systems, technologies, and programs, and focuses

1 investments to satisfy military requirements not met by  
2 the core program.

3 (2) Before adding new theater missile defense sys-  
4 tems to the core program from among the follow-on activi-  
5 ties, the Secretary of Defense shall submit to the congres-  
6 sional defense committees a report describing—

7 (A) the requirements for the program and the  
8 specific threats to be countered;

9 (B) how the new program will relate to, sup-  
10 port, and leverage off existing core programs;

11 (C) the planned acquisition strategy; and

12 (D) a preliminary estimate of total program  
13 cost and budgetary impact.

14 (e) REPORT.—(1) Not later than the date on which  
15 the President submits the budget for fiscal year 1997  
16 under section 1105 of title 31, United States Code, the  
17 Secretary of Defense shall submit to the congressional de-  
18 fense committees a report detailing the Secretary's plans  
19 for implementing the guidance specified in this section.

20 (2) For each deployment date for each system de-  
21 scribed in subsection (a), the report required by paragraph  
22 (1) of this subsection shall include the funding required  
23 for research, development, testing, evaluation, and deploy-  
24 ment for each fiscal year beginning with fiscal year 1997

1 through the end of the fiscal year in which deployment  
2 is projected under subsection (a).

3 **SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC-**  
4 **TURE.**

5 (a) IN GENERAL.—To implement the policy estab-  
6 lished in section 233, the Secretary of Defense shall de-  
7 velop an affordable and operationally effective national  
8 missile defense system to counter a limited, accidental, or  
9 unauthorized ballistic missile attack, and which is capable  
10 of attaining initial operational capability (IOC) by the end  
11 of 2003. Such system shall include the following:

12 (1) Ground-based interceptors capable of being  
13 deployed at multiple sites, the locations and numbers  
14 of which are to be determined so as to optimize the  
15 defensive coverage of the continental United States,  
16 Alaska, and Hawaii against limited, accidental, or  
17 unauthorized ballistic missile attacks.

18 (2) Fixed ground-based radars and space-based  
19 sensors, including the Space and Missile Tracking  
20 system, the mix, siting and numbers of which are to  
21 be determined so as to optimize sensor support and  
22 minimize total system cost.

23 (3) Battle management, command, control, and  
24 communications (BM/C3).

1 (b) INTERIM OPERATIONAL CAPABILITY.—To pro-  
2 vide a hedge against the emergence of near-term ballistic  
3 missile threats against the United States and to support  
4 the development and deployment of the objective system  
5 specified in subsection (a), the Secretary of Defense shall  
6 develop an interim national missile defense plan that  
7 would give the United States the ability to field a limited  
8 operational capability by the end of 1999 if required by  
9 the threat. In developing this plan the Secretary shall  
10 make use of—

11 (1) developmental, or user operational evalua-  
12 tion system (UOES) interceptors, radars, and battle  
13 management, command, control, and communica-  
14 tions (BM/C3), to the extent that such use directly  
15 supports, and does not significantly increase the cost  
16 of, the objective system specified in subsection (a);

17 (2) one or more of the sites that will be used  
18 as deployment locations for the objective system  
19 specified in subsection (a);

20 (3) upgraded early warning radars; and

21 (4) space-based sensors.

22 (c) USE OF STREAMLINED ACQUISITION PROCEDURE-  
23 DURES.—The Secretary of Defense shall prescribe and use  
24 streamlined acquisition procedures to—

1           (1) reduce the cost and increase the efficiency  
2 of developing the national missile defense system  
3 specified in subsection (a); and

4           (2) ensure that any interim national missile de-  
5 fense capabilities developed pursuant to subsection  
6 (b) are operationally effective and on a path to fulfill  
7 the technical requirements and schedule of the objec-  
8 tive system.

9           (d) ADDITIONAL COST SAVING MEASURES.—In addi-  
10 tion to the procedures prescribed pursuant to subsection  
11 (c), the Secretary of Defense shall employ cost saving  
12 measures that do not decrease the operational effective-  
13 ness of the systems specified in subsections (a) and (b),  
14 and which do not pose unacceptable technical risk. The  
15 cost saving measures should include the following:

16           (1) The use of existing facilities and infrastruc-  
17 ture.

18           (2) The use, where appropriate, of existing or  
19 upgraded systems and technologies, except that Min-  
20 uteman boosters may not be used as part of a Na-  
21 tional Missile Defense architecture.

22           (3) Development of systems and components  
23 that do not rely on a large and permanent infra-  
24 structure and are easily transported, emplaced, and  
25 moved.

1           (e) REPORT ON PLAN FOR DEPLOYMENT.—Not later  
2 than the date on which the President submits the budget  
3 for fiscal year 1997 under section 1105 of title 31, United  
4 States Code, the Secretary of Defense shall submit to the  
5 congressional defense committees a report containing the  
6 following matters:

7           (1) The Secretary's plan for carrying out this  
8 section.

9           (2) For each deployment date in subsections (a)  
10 and (b), the report shall include the funding re-  
11 quired for research, development, testing, evaluation,  
12 and deployment for each fiscal year beginning with  
13 fiscal year 1997 through the end of the fiscal year  
14 in which deployment is projected under subsection  
15 (a) or (b). The report shall also describe the specific  
16 threat to be countered and provide the Secretary's  
17 assessment as to whether deployment is affordable  
18 and operationally effective.

19           (3) An analysis of options for supplementing or  
20 modifying the national missile defense architecture  
21 specified in subsection (a) before attaining initial  
22 operational capability, or evolving such architecture  
23 in a building block manner after attaining initial  
24 operational capability, to improve the cost-effective-

1       ness or the operational effectiveness of such system  
2       by adding one or a combination of the following:

3               (A) Additional ground-based interceptors  
4               at existing or new sites.

5               (B) Sea-based missile defense systems.

6               (C) Space-based kinetic energy intercep-  
7               tors.

8               (D) Space-based directed energy systems.

9       **SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.**

10       (a) IN GENERAL.—The Secretary of Defense shall  
11       undertake an initiative to coordinate and strengthen the  
12       cruise missile defense programs, projects, and activities of  
13       the military departments, the Advanced Research Projects  
14       Agency and the Ballistic Missile Defense Organization to  
15       ensure that the United States develops and deploys afford-  
16       able and operationally effective defenses against existing  
17       and future cruise missile threats.

18       (b) ACTIONS OF THE SECRETARY OF DEFENSE.—In  
19       carrying out subsection (a), the Secretary of Defense shall  
20       ensure that—

21               (1) to the extent practicable, the ballistic mis-  
22               sile defense and cruise missile defense efforts of the  
23               Department of Defense are coordinated and mutu-  
24               ally reinforcing;

1           (2) existing air defense systems are adequately  
2           upgraded to provide an affordable and operationally  
3           effective defense against existing and near-term  
4           cruise missile threats; and

5           (3) the Department of Defense undertakes a  
6           high priority and well coordinated technology devel-  
7           opment program to support the future deployment of  
8           systems that are affordable and operationally effec-  
9           tive against advanced cruise missiles, including  
10          cruise missiles with low observable features.

11          (c) IMPLEMENTATION PLAN.—Not later than the  
12          date on which the President submits the budget for fiscal  
13          year 1997 under section 1105 of title 31, United States  
14          Code, the Secretary of Defense shall submit to the con-  
15          gressional defense committees a detailed plan, in unclassi-  
16          fied and classified forms, as necessary, for carrying out  
17          this section. The plan shall include an assessment of—

18               (1) the systems that currently have cruise mis-  
19               sile defense capabilities, and existing programs to  
20               improve these capabilities;

21               (2) the technologies that could be deployed in  
22               the near- to mid-term to provide significant advances  
23               over existing cruise missile defense capabilities, and  
24               the investments that would be required to ready the  
25               technologies for deployment;

1           (3) the cost and operational tradeoffs, if any,  
2           between upgrading existing air and missile defense  
3           systems and accelerating follow-on systems with sig-  
4           nificantly improved capabilities against advanced  
5           cruise missiles; and

6           (4) the organizational and management changes  
7           that would strengthen and further coordinate the  
8           cruise missile defense efforts of the Department of  
9           Defense, including the disadvantages, if any, of im-  
10          plementing such changes.

11 **SEC. 237. POLICY REGARDING THE ABM TREATY.**

12          (a) Congress makes the following findings:

13           (1) Article XIII of the ABM Treaty envisions  
14           “possible changes in the strategic situation which  
15           have a bearing on the provisions of this treaty”.

16           (2) Articles XIII and XIV of the ABM Treaty  
17           establish means for the Parties to amend the Treaty,  
18           and the Parties have employed these means to  
19           amend the Treaty.

20           (3) Article XV of the ABM Treaty establishes  
21           the means for a party to withdraw from the Treaty,  
22           upon 6 months notice, “if it decides that extraor-  
23           dinary events related to the subject matter of this  
24           treaty have jeopardized its supreme interests”.

1           (4) The policies, programs, and requirements of  
2 subtitle C of title II of this Act can be accomplished  
3 through processes specified within, or consistent  
4 with, the ABM Treaty, which anticipates the need  
5 and provides the means for amendment to the Trea-  
6 ty.

7           (b) SENSE OF CONGRESS.—In light of the findings  
8 and policies provided in this subtitle, it is the sense of Con-  
9 gress that—

10           (1) Given the fundamental responsibility of the  
11 Government of the United States to protect the se-  
12 curity of the United States, the increasingly serious  
13 threat posed to the United States by the prolifera-  
14 tion of weapons of mass destruction and ballistic  
15 missile technology, and the effect this threat could  
16 have on the options of the United States to act in  
17 a time of crisis—

18           (A) it is in the vital national security inter-  
19 est of the United States to defend itself from  
20 the threat of a limited, accidental, or unauthor-  
21 ized ballistic missile attack, whatever its source;  
22 and

23           (B) the deployment of a national missile  
24 defense system, in accord with section 233, to  
25 protect the territory of the United States



1 such missiles, unless those systems, system up-  
2 grades, or system components are tested against or  
3 have demonstrated capabilities to counter modern  
4 strategic ballistic missiles.

5 (2) Section 232 of the National Defense Au-  
6 thorization Act for Fiscal Year 1995 provides that  
7 the United States shall not be bound by any inter-  
8 national agreement that would substantially modify  
9 the ABM Treaty unless the agreement is entered  
10 into pursuant to the treaty making power of the  
11 President under the Constitution.

12 (3) the demarcation standard described in sub-  
13 section (b)(1) is based upon current technology.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that—

16 (1) unless a missile defense system, system up-  
17 grade, or system component, including one that ex-  
18 ploits data from space-based or other external sen-  
19 sors, is flight tested against a ballistic missile target  
20 that exceeds a range of 3,500 kilometers or a veloc-  
21 ity of 5 kilometers per second, such missile defense  
22 system, system upgrade, or system component has  
23 not been tested in an ABM mode nor deemed to  
24 have been given capabilities to counter strategic bal-  
25 listic missiles, and

1           (2) any international agreement that would  
2           limit the research, development, testing, or deploy-  
3           ment of missile defense systems, system upgrades, or  
4           system components that are designed to counter  
5           modern theater ballistic missiles in a manner that  
6           would be more restrictive than the criteria in para-  
7           graph (1) should be entered into only pursuant to  
8           the treaty making powers of the President under the  
9           Constitution.

10          (c) PROHIBITION ON FUNDING.—Funds appro-  
11          priated or otherwise made available to the Department of  
12          Defense for fiscal year 1996 may not be obligated or ex-  
13          pended to implement an agreement with any of the inde-  
14          pendent states of the former Soviet Union entered into  
15          after January 1, 1995 that would establish a demarcation  
16          between theater missile defense systems and anti-ballistic  
17          missile systems for purposes of the ABM Treaty or that  
18          would restrict the performance, operation, or deployment  
19          of United States theater missile defense systems except:  
20          (1) to the extent provided in an Act enacted subsequent  
21          to this Act; (2) to implement that portion of any such  
22          agreement that implements the criteria in subsection  
23          (b)(1); or (3) to implement any such agreement that is  
24          entered into pursuant to the treaty making power of the  
25          President under the Constitution.

1 **SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**  
2 **MENTS.**

3 (a) ELEMENTS SPECIFIED.—In the budget justifica-  
4 tion materials submitted to Congress in support of the De-  
5 partment of Defense budget for any fiscal year after fiscal  
6 year 1996 (as submitted in the budget of the President  
7 under section 1105(a) of title 31, United States Code),  
8 the amount requested for activities of the Ballistic Missile  
9 Defense Organization shall be set forth in accordance with  
10 the following program elements:

11 (1) The Patriot system.

12 (2) The Navy Lower Tier (Area) system.

13 (3) The Theater High-Altitude Area Defense  
14 (THAAD) system.

15 (4) The Navy Upper Tier (Theater Wide) sys-  
16 tem.

17 (5) Other Theater Missile Defense Activities.

18 (6) National Missile Defense.

19 (7) Follow-On and Support Technologies.

20 (b) TREATMENT OF NON-CORE TMD IN OTHER  
21 THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—  
22 Funding for theater missile defense programs, projects,  
23 and activities, other than core theater missile defense pro-  
24 grams, shall be covered in the “Other Theater Missile De-  
25 fense Activities” program element.

1 (c) TREATMENT OF CORE THEATER MISSILE DE-  
2 FENSE PROGRAMS.—Funding for core theater missile de-  
3 fense programs specified in section 234, shall be covered  
4 in individual, dedicated program elements and shall be  
5 available only for activities covered by those program ele-  
6 ments.

7 (d) BM/C3I PROGRAMS.—Funding for programs,  
8 projects, and activities involving battle management, com-  
9 mand, control, communications, and intelligence (BM/  
10 C3I) shall be covered in the “Other Theater Missile De-  
11 fense Activities” program element or the “National Missile  
12 Defense” program element, as determined on the basis of  
13 the primary objectives involved.

14 (e) MANAGEMENT AND SUPPORT.—Each program  
15 element shall include requests for the amounts necessary  
16 for the management and support of the programs,  
17 projects, and activities contained in that program element.

18 **SEC. 240. ABM TREATY DEFINED.**

19 For purposes of this subtitle, the term “ABM Trea-  
20 ty” means the Treaty Between the United States of Amer-  
21 ica and the Union of Soviet Socialist Republics on the  
22 Limitation of Anti-Ballistic Missiles, signed at Moscow on  
23 May 26, 1972, and includes the Protocols to that Treaty,  
24 signed at Moscow on July 3, 1974.

1 **SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.**

2 The following provisions of law are repealed:

3 (1) The Missile Defense Act of 1991 (part C of  
4 title II of Public Law 102–190; 10 U.S.C. 2431  
5 note).

6 (2) Section 237 of the National Defense Au-  
7 thorization Act for Fiscal Year 1994 (Public Law  
8 103–160).

9 (3) Section 242 of the National Defense Au-  
10 thorization Act for Fiscal Year 1994 (Public Law  
11 103–160).

12 (4) Section 222 of the Department of Defense  
13 Authorization Act, 1986 (Public Law 99–145; 99  
14 Stat. 613; 10 U.S.C. 2431 note).

15 (5) Section 225 of the Department of Defense  
16 Authorization Act, 1986 (Public Law 99–145; 99  
17 Stat. 614).

18 (6) Section 226 of the National Defense Au-  
19 thorization Act for Fiscal Years 1988 and 1989  
20 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C.  
21 2431 note).

22 (7) Section 8123 of the Department of Defense  
23 Appropriations Act, 1989 (Public Law 100–463;  
24 102 Stat. 2270–40).

1           (8) Section 8133 of the Department of Defense  
2 Appropriations Act, 1992 (Public Law 102-172;  
3 105 Stat. 1211).

4           (9) Section 234 of the National Defense Au-  
5 thorization Act for Fiscal Year 1994 (Public Law  
6 103-160; 107 Stat. 1595; 10 U.S.C. 2431 note).

7           (10) Section 235 of the National Defense Au-  
8 thorization Act for Fiscal Year 1995 (Public Law  
9 103-337; 108 Stat. 2701; 10 U.S.C. 221 note).

10 **SEC. 242. SENSE OF SENATE ON THE DIRECTOR OF OPER-**  
11 **ATIONAL TEST AND EVALUATION.**

12           (a) FINDINGS.—The Senate makes the following  
13 findings:

14           (1) The Office of the Director of Operational  
15 Test and Evaluation of the Department of Defense  
16 was created by Congress to provide an independent  
17 validation and verification on the suitability and ef-  
18 fectiveness of new weapons, and to ensure that the  
19 United States military departments acquire weapons  
20 that are proven in an operational environment before  
21 they are produced and used in combat.

22           (2) The office is currently making significant  
23 contributions to the process by which the Depart-  
24 ment of Defense acquires new weapons by providing

1 vital insights on operational weapons tests to be  
2 used in this acquisition process.

3 (3) The office provides vital services to Con-  
4 gress in providing an independent certification on  
5 the performance of new weapons that have been  
6 operationally tested.

7 (4) A provision of H.R.1530, an Act entitled  
8 “An Act to authorize appropriations for fiscal year  
9 1996 for military activities of the Department of De-  
10 fense, for military construction, and for defense ac-  
11 tivities of the Department of Energy, to prescribe  
12 personnel strengths for such fiscal year for the  
13 Armed Forces, and for other purposes”, agreed to  
14 by the House of Representatives on June 15, 1995,  
15 contains a provision that could substantially dimin-  
16 ish the authority and responsibilities of the office  
17 and perhaps cause the elimination of the office and  
18 its functions.

19 (b) SENSE OF THE SENATE.—It is the sense of the  
20 Senate that—

21 (1) the authority and responsibilities of the Of-  
22 fice of the Director of Operational Test and Evalua-  
23 tion of the Department of Defense should not be di-  
24 minished or eliminated; and

1           (2) the conferees on H.R.1530, an Act entitled  
2           “An Act to authorize appropriations for fiscal year  
3           1996 for military activities of the Department of De-  
4           fense, for military construction, and for defense ac-  
5           tivities of the Department of Energy, to prescribe  
6           personnel strengths for such fiscal year for the  
7           Armed Forces, and for other purposes” should not  
8           propose to Congress a conference report on that Act  
9           that would either diminish or eliminate the Office of  
10          the Director of Operational Test and Evaluation or  
11          its functions.

12 **SEC. 243. BALLISTIC MISSILE DEFENSE TECHNOLOGY CEN-**  
13 **TER.**

14          (a) **ESTABLISHMENT.**—The Director of the Ballistic  
15          Missile Defense Organization shall establish a Ballistic  
16          Missile Defense Technology Center within the Space and  
17          Strategic Defense Command of the Army.

18          (b) **MISSION.**—The missions of the Center are as fol-  
19          lows:

20                (1) To maximize common application of ballistic  
21          missile defense component technology programs, tar-  
22          get test programs, functional analysis and phenome-  
23          nology investigations.

1           (2) To store data from the missile defense tech-  
2           nology programs of the Armed Forces using com-  
3           puter facilities of the Missile Defense Data Center.

4           (c) TECHNOLOGY PROGRAM COORDINATION WITH  
5           CENTER.—The Secretary of Defense, acting through the  
6           Director of the Ballistic Missile Defense Organization,  
7           shall require the head of each element or activity of the  
8           Department of Defense beginning a new missile defense  
9           program referred to in subsection (b)(1) to first coordinate  
10          the program with the Ballistic Missile Defense Technology  
11          Center in order to prevent duplication of effort.

12           **TITLE III—OPERATION AND**  
13           **MAINTENANCE**  
14           **Subtitle A—Authorization of**  
15           **Appropriations**

16          **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

17          Funds are hereby authorized to be appropriated for  
18          fiscal year 1996 for the use of the Armed Forces and other  
19          activities and agencies of the Department of Defense for  
20          expenses, not otherwise provided for, for operation and  
21          maintenance, in amounts as follows:

- 22                  (1) For the Army, \$18,073,206,000.  
23                  (2) For the Navy, \$21,343,960,000.  
24                  (3) For the Marine Corps, \$2,405,711,000.  
25                  (4) For the Air Force, \$18,224,893,000.

- 1           (5)       For       Defense-wide       activities,  
2       \$10,021,162,000.
- 3           (6) For the Army Reserve, \$1,062,591,000.
- 4           (7) For the Naval Reserve, \$840,842,000.
- 5           (8)       For       the       Marine       Corps       Reserve,  
6       \$90,283,000.
- 7           (9) For the Air Force Reserve, \$1,482,947,000.
- 8           (10)     For       the       Army       National     Guard,  
9       \$2,304,108,000.
- 10          (11)     For       the       Air       National     Guard,  
11       \$2,734,221,000.
- 12          (12)     For       the       Defense     Inspector     General,  
13       \$138,226,000.
- 14          (13)     For       the       United     States     Court     of     Appeals  
15       for       the     Armed     Forces,     \$6,521,000.
- 16          (14)     For       Environmental     Restoration,     Defense,  
17       \$1,601,800,000.
- 18          (15)     For       Drug     Interdiction     and     Counter-drug  
19       Activities,     Defense-wide,     \$680,432,000.
- 20          (16)     For       Medical     Programs,     Defense,  
21       \$9,943,825,000.
- 22          (17)     For       support     for     the     1996     Summer     Olym-  
23       pics,     \$15,000,000.
- 24          (18)     For       Cooperative     Threat     Reduction     pro-  
25       grams,     \$365,000,000.

1           (19) For Overseas Humanitarian, Disaster, and  
2           Civic Aid programs, \$60,000,000.

3           The amount authorized to be appropriated by section  
4           301(5) is hereby reduced by \$40,000,000.

5           **SEC. 302. WORKING CAPITAL FUNDS.**

6           Funds are hereby authorized to be appropriated for  
7           fiscal year 1996 for the use of the Armed Forces and other  
8           activities and agencies of the Department of Defense for  
9           providing capital for working capital and revolving funds  
10          in amounts as follows:

11           (1) For the Defense Business Operations Fund,  
12           \$878,700,000.

13           (2) For the National Defense Sealift Fund,  
14           \$1,084,220,000.

15          **SEC. 303. ARMED FORCES RETIREMENT HOME.**

16          (a) AUTHORIZATION OF APPROPRIATIONS TO TRUST  
17          FUND.—There is hereby authorized to be appropriated to  
18          the Armed Forces Retirement Home Trust Fund the sum  
19          of \$45,000,000, to remain available until expended.

20          (b) AUTHORIZATION OF APPROPRIATIONS FROM  
21          TRUST FUND.—There is hereby authorized to be appro-  
22          priated for fiscal year 1996 from the Armed Forces Re-  
23          tirement Home Trust Fund the sum of \$59,120,000 for  
24          the operation of the Armed Forces Retirement Home, in-

1 cluding the United States Soldiers' and Airmen's Home  
2 and the Naval Home.

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
4 **PILE TRANSACTION FUND.**

5 (a) TRANSFER AUTHORITY.—To the extent provided  
6 in appropriations Acts, not more than \$150,000,000 is au-  
7 thorized to be transferred from the National Defense  
8 Stockpile Transaction Fund to operation and maintenance  
9 accounts for fiscal year 1996 in amounts as follows:

10 (1) For the Army, \$50,000,000.

11 (2) For the Navy, \$50,000,000.

12 (3) For the Air Force, \$50,000,000.

13 (b) TREATMENT OF TRANSFERS.—Amounts trans-  
14 ferred under this section—

15 (1) shall be merged with, and be available for  
16 the same purposes and the same period as, the  
17 amounts in the accounts to which transferred; and

18 (2) may not be expended for an item that has  
19 been denied authorization of appropriations by Con-  
20 gress.

21 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
22 ITY.—The transfer authority provided in this section is in  
23 addition to the transfer authority provided in section  
24 1001.

1 **SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PA-**  
2 **TROL.**

3 (a) INCREASE.—(1) The amount of funds authorized  
4 to be appropriated by this Act for operation and mainte-  
5 nance of the Air Force for the Civil Air Patrol Corporation  
6 is hereby increased by \$5,000,000.

7 (2) The amount authorized to be appropriated for op-  
8 eration and maintenance for the Civil Air Patrol Corpora-  
9 tion under paragraph (1) is in addition to any other funds  
10 authorized to be appropriated under this Act for that pur-  
11 pose.

12 (b) OFFSETTING REDUCTION.—The amount author-  
13 ized to be appropriated under this Act for Air Force sup-  
14 port of the Civil Air Patrol is hereby reduced by  
15 \$2,900,000. The amount of the reduction shall be allo-  
16 cated among funds authorized to be appropriated for Air  
17 Force personnel supporting the Civil Air Patrol and for  
18 Air Force operation and maintenance support for the Civil  
19 Air Patrol.

20 **Subtitle B—Depot-Level**  
21 **Maintenance and Repair**

22 **SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-**  
23 **LEVEL MAINTENANCE AND REPAIR FOR THE**  
24 **DEPARTMENT OF DEFENSE.**

25 (a) REQUIREMENT FOR POLICY.—Not later than  
26 March 31, 1996, the Secretary of Defense shall develop

1 and report to the Committee on Armed Services of the  
2 Senate and the Committee on National Security of the  
3 House of Representatives a comprehensive policy on the  
4 performance of depot-level maintenance and repair for the  
5 Department of Defense.

6 (b) PRIMARY OBJECTIVE OF POLICY.—In developing  
7 the policy, it shall be the primary objective of the Sec-  
8 retary to ensure a ready and controlled source of technical  
9 competence and repair and maintenance capabilities nec-  
10 essary for national security across a full range of current  
11 and projected training and operational requirements, in-  
12 cluding requirements in peacetime, contingency oper-  
13 ations, mobilization, and other emergencies.

14 (c) CONTENT OF POLICY.—The policy shall—

15 (1) define, in terms of the requirements of the  
16 Department of Defense for performance of mainte-  
17 nance and repair, the purpose for having public de-  
18 pots for performing those functions;

19 (2) provide for performance of core depot-level  
20 maintenance and repair capabilities in facilities  
21 owned and operated by the United States;

22 (3) provide for the core capabilities to include  
23 sufficient skilled personnel, equipment, and facilities  
24 to achieve the objective set forth in subsection (b);

25 (4) address environmental liability;

1           (5) in the case of depot-level maintenance and  
2           repair workloads in excess of the workload required  
3           to be performed by Department of Defense depots,  
4           provide for competition for those workloads between  
5           public and private entities when there is sufficient  
6           potential for realizing cost savings based on ade-  
7           quate private sector competition and technical capa-  
8           bilities;

9           (6) provide for selection on the basis of merit  
10          whenever the workload of a Department of Defense  
11          depot is changed;

12          (7) provide transition provisions appropriate for  
13          persons in the Department of Defense depot-level  
14          workforce; and

15          (8) address issues concerning exchange of tech-  
16          nical data between the Federal Government and the  
17          private sector, environmental liability, efficient and  
18          effective performance of depot functions, and ad-  
19          verse effects of the policy on the Federal Govern-  
20          ment work force.

21          (d) CONSIDERATION.—In developing the policy, the  
22          Secretary shall take into consideration the capabilities of  
23          the public depots and the capabilities of businesses in the  
24          private sector to perform the maintenance and repair work  
25          required by the Department of Defense.

1 (e) REPEAL OF 60/40 REQUIREMENT AND REQUIRE-  
2 MENT RELATING TO COMPETITION.—(1) Sections 2466  
3 and 2469 of title 10, United States Code, are repealed.

4 (2) The table of sections at the beginning of chapter  
5 146 of such title is amended by striking out the items re-  
6 lating to sections 2466 and 2469.

7 (3) The amendments made by paragraphs (1) and (2)  
8 shall take effect on the date (after the date of the enact-  
9 ment of this Act) on which legislation is enacted that con-  
10 tains a provision that specifically states one of the follow-  
11 ing:

12 (A) “The policy on the performance of depot-  
13 level maintenance and repair for the Department of  
14 Defense that was submitted by the Secretary of De-  
15 fense to the Committee on Armed Services of the  
16 Senate and the Committee on National Security of  
17 the House of Representatives pursuant to section  
18 311 of the National Defense Authorization Act for  
19 Fiscal Year 1996 is approved.”; or

20 (B) “The policy on the performance of depot-  
21 level maintenance and repair for the Department of  
22 Defense that was submitted by the Secretary of De-  
23 fense to the Committee on Armed Services of the  
24 Senate and the Committee on National Security of  
25 the House of Representatives pursuant to section

1 311 of the National Defense Authorization Act for  
2 Fiscal Year 1996 is approved with the following  
3 modifications:” (with the modifications being stated  
4 in matter appearing after the colon).

5 (f) REVIEW BY THE GENERAL ACCOUNTING OF-  
6 FICE.—(1) The Secretary shall make available to the  
7 Comptroller General of the United States all information  
8 used by the Department in developing the policy under  
9 subsections (a) through (d) of this section.

10 (2) Not later than 45 days after the Secretary sub-  
11 mits to Congress the report required by subsection (a),  
12 the Comptroller General shall transmit to Congress a re-  
13 port containing a detailed analysis of the Secretary’s pro-  
14 posed policy as reported under subsection (a).

15 **SEC. 312. EXTENSION OF AUTHORITY FOR AVIATION DE-**  
16 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**  
17 **DEFENSE-RELATED PRODUCTION AND SERV-**  
18 **ICES.**

19 Section 1425(e) of the National Defense Authoriza-  
20 tion Act for Fiscal Year 1991 (Public Law 101–510; 104  
21 Stat. 1684), as amended by section 370(b) of Public Law  
22 103–160 (107 Stat. 1634) and section 386(b) of Public  
23 Law 103–337 (108 Stat. 2742), is further amended by  
24 striking out “September 30, 1995” and inserting in lieu  
25 thereof “September 30, 1996”.

1                   **Subtitle C—Environmental**  
2                   **Provisions**

3   **SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS**  
4                   **FOR SERVICES UNDER ENVIRONMENTAL**  
5                   **RESTORATION PROGRAM.**

6           (a) REQUIREMENTS.—(1) Section 2701(d) of title 10,  
7 United States Code, is amended to read as follows:

8           “(d) SERVICES OF OTHER AGENCIES.—

9                   “(1) IN GENERAL.—Subject to paragraph (2),  
10 the Secretary may enter into agreements on a reim-  
11 bursable or other basis with any other Federal agen-  
12 cy, or with any State or local government agency, to  
13 obtain the services of the agency to assist the Sec-  
14 retary in carrying out any of the Secretary’s respon-  
15 sibilities under this section. Services which may be  
16 obtained under this subsection include the identifica-  
17 tion, investigation, and cleanup of any off-site con-  
18 tamination resulting from the release of a hazardous  
19 substance or waste at a facility under the Sec-  
20 retary’s jurisdiction.

21                   “(2) LIMITATION ON REIMBURSABLE AGREE-  
22 MENTS.—An agreement with an agency under para-  
23 graph (1) may provide for reimbursement of the  
24 agency only for technical or scientific services ob-  
25 tained from the agency.”.

1           (2)(A) Except as provided in subparagraph (B), the  
2 total amount of funds available for reimbursements under  
3 agreements entered into under section 2710(d) of title 10,  
4 United States Code, as amended by paragraph (1), in fis-  
5 cal year 1996 may not exceed \$5,000,000.

6           (B) The Secretary of Defense may pay in fiscal year  
7 1996 an amount for reimbursements under agreements re-  
8 ferred to in subparagraph (A) in excess of the amount  
9 specified in that subparagraph for that fiscal year if—

10           (i) the Secretary certifies to Congress that the  
11 payment of the amount under this subparagraph is  
12 essential for the management of the Defense Envi-  
13 ronmental Restoration Program under chapter 160  
14 of title 10, United States Code; and

15           (ii) a period of 60 days has expired after the  
16 date on which the certification is received by Con-  
17 gress.

18           (b) REPORT ON SERVICES OBTAINED.—The Sec-  
19 retary of Defense shall include in the report submitted to  
20 Congress with respect to fiscal year 1998 under section  
21 2706(a) of title 10, United States Code, information on  
22 the services, if any, obtained by the Secretary during fiscal  
23 year 1996 pursuant to each agreement on a reimbursable  
24 basis entered into with a State or local government agency  
25 under section 2701(d) of title 10, United States Code, as

1 amended by subsection (a). The information shall include  
2 a description of the services obtained under each agree-  
3 ment and the amount of the reimbursement provided for  
4 the services.

5 **SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED**  
6 **FORCES.**

7 (a) PURPOSES.—The purposes of this section are  
8 to—

9 (1) enhance the operational flexibility of vessels  
10 of the Armed Forces domestically and internation-  
11 ally;

12 (2) stimulate the development of innovative ves-  
13 sel pollution control technology; and

14 (3) advance the development by the United  
15 States Navy of environmentally sound ships.

16 (b) UNIFORM NATIONAL DISCHARGE STANDARDS  
17 DEVELOPMENT.—Section 312 of the Federal Water Pollu-  
18 tion Control Act (33 U.S.C. 1322) is amended by adding  
19 at the end the following:

20 “(n) UNIFORM NATIONAL DISCHARGE STANDARDS  
21 FOR VESSELS OF THE ARMED FORCES.—

22 “(1) APPLICABILITY.—This subsection shall  
23 apply to vessels of the Armed Forces and discharges,  
24 other than sewage, incidental to the normal oper-  
25 ation of a vessel of the Armed Forces, unless the

1 Secretary of Defense finds that compliance with this  
2 subsection would not be in the national security in-  
3 terests of the United States.

4 “(2) DETERMINATION OF DISCHARGES RE-  
5 QUIRED TO BE CONTROLLED BY MARINE POLLUTION  
6 CONTROL DEVICES.—

7 “(A) IN GENERAL.—The Administrator  
8 and the Secretary of Defense, after consultation  
9 with the Secretary of the department in which  
10 the Coast Guard is operating, the Secretary of  
11 Commerce, and interested States, shall jointly  
12 determine the discharges incidental to the nor-  
13 mal operation of a vessel of the Armed Forces  
14 for which it is reasonable and practicable to re-  
15 quire use of a marine pollution control device to  
16 mitigate adverse impacts on the marine envi-  
17 ronment. Notwithstanding subsection (a)(1) of  
18 section 553 of title 5, United States Code, the  
19 Administrator and the Secretary of Defense  
20 shall promulgate the determinations in accord-  
21 ance with the section.

22 “(B) CONSIDERATIONS.—In making a de-  
23 termination under subparagraph (A), the Ad-  
24 ministrator and the Secretary of Defense shall  
25 take into consideration—

1 “(i) the nature of the discharge;

2 “(ii) the environmental effects of the  
3 discharge;

4 “(iii) the practicability of using the  
5 marine pollution control device;

6 “(iv) the effect that installation or use  
7 of the marine pollution control device  
8 would have on the operation or operational  
9 capability of the vessel;

10 “(v) applicable United States law;

11 “(vi) applicable international stand-  
12 ards; and

13 “(vii) the economic costs of the instal-  
14 lation and use of the marine pollution con-  
15 trol device.

16 “(3) PERFORMANCE STANDARDS FOR MARINE  
17 POLLUTION CONTROL DEVICES.—

18 “(A) IN GENERAL.—For each discharge  
19 for which a marine pollution control device is  
20 determined to be required under paragraph (2),  
21 the Administrator and the Secretary of De-  
22 fense, in consultation with the Secretary of the  
23 department in which the Coast Guard is operat-  
24 ing, the Secretary of State, the Secretary of  
25 Commerce, other interested Federal agencies,

1 and interested States, shall jointly promulgate  
2 Federal standards of performance for each ma-  
3 rine pollution control device required with re-  
4 spect to the discharge. Notwithstanding sub-  
5 section (a)(1) of section 553 of title 5, United  
6 States Code, the Administrator and the Sec-  
7 retary of Defense shall promulgate the stand-  
8 ards in accordance with the section.

9 “(B) CONSIDERATIONS.—In promulgating  
10 standards under this paragraph, the Adminis-  
11 trator and the Secretary of Defense shall take  
12 into consideration the matters set forth in para-  
13 graph (2)(B).

14 “(C) CLASSES, TYPES, AND SIZES OF VES-  
15 SELS.—The standards promulgated under this  
16 paragraph may—

17 “(i) distinguish among classes, types,  
18 and sizes of vessels;

19 “(ii) distinguish between new and ex-  
20 isting vessels; and

21 “(iii) provide for a waiver of the appli-  
22 cability of the standards as necessary or  
23 appropriate to a particular class, type, age,  
24 or size of vessel.

1           “(4) REGULATIONS FOR USE OF MARINE POL-  
2           LUTION CONTROL DEVICES.—The Secretary of De-  
3           fense, after consultation with the Administrator and  
4           the Secretary of the department in which the Coast  
5           Guard is operating, shall promulgate such regula-  
6           tions governing the design, construction, installation,  
7           and use of marine pollution control devices on board  
8           vessels of the Armed Forces as are necessary to  
9           achieve the standards promulgated under paragraph  
10          (3).

11          “(5) DEADLINES; EFFECTIVE DATE.—

12                 “(A) DETERMINATIONS.—The Adminis-  
13                 trator and the Secretary of Defense shall—

14                         “(i) make the initial determinations  
15                         under paragraph (2) not later than 2 years  
16                         after the date of enactment of this sub-  
17                         section; and

18                                 “(ii) every 5 years—

19   “(I) review the determinations;  
20   and

21   “(II) if necessary, revise the de-  
22   terminations based on significant new  
23   information.

24                 “(B) STANDARDS.—The Administrator  
25                 and the Secretary of Defense shall—

1           “(i) promulgate standards of perform-  
2           ance for a marine pollution control device  
3           under paragraph (3) not later than 2 years  
4           after the date of a determination under  
5           paragraph (2) that the marine pollution  
6           control device is required; and

7           “(ii) every 5 years—

8                 “(I) review the standards; and

9                 “(II) if necessary, revise the  
10                standards, consistent with paragraph  
11                (3)(B) and based on significant new  
12                information.

13           “(C) REGULATIONS.—The Secretary of  
14           Defense shall promulgate regulations with re-  
15           spect to a marine pollution control device under  
16           paragraph (4) as soon as practicable after the  
17           Administrator and the Secretary of Defense  
18           promulgate standards with respect to the device  
19           under paragraph (3), but not later than 1 year  
20           after the Administrator and the Secretary of  
21           Defense promulgate the standards. The regula-  
22           tions promulgated by the Secretary of Defense  
23           under paragraph (4) shall become effective  
24           upon promulgation unless another effective date  
25           is specified in the regulations.

1           “(D) PETITION FOR REVIEW.—The Gov-  
2           ernor of any State may submit a petition re-  
3           questing that the Secretary of Defense and the  
4           Administrator review a determination under  
5           paragraph (2) or a standard under paragraph  
6           (3), if there is significant new information, not  
7           considered previously, that could reasonably re-  
8           sult in a change to the particular determination  
9           or standard after consideration of the matters  
10          set forth in paragraph (2)(B). The petition  
11          shall be accompanied by the scientific and tech-  
12          nical information on which the petition is based.  
13          The Administrator and the Secretary of De-  
14          fense shall grant or deny the petition not later  
15          than 2 years after the date of receipt of the pe-  
16          tition.

17          “(6) EFFECT ON OTHER LAWS.—

18                 “(A) PROHIBITION ON REGULATION BY  
19                 STATES OR POLITICAL SUBDIVISIONS OF  
20                 STATES.—Beginning on the effective date of—

21                         “(i) a determination under paragraph  
22                         (2) that it is not reasonable and prac-  
23                         ticable to require use of a marine pollution  
24                         control device regarding a particular dis-

1 charge incidental to the normal operation  
2 of a vessel of the Armed Forces; or

3 “(ii) regulations promulgated by the  
4 Secretary of Defense under paragraph (4);  
5 except as provided in paragraph (7), neither a  
6 State nor a political subdivision of a State may  
7 adopt or enforce any statute or regulation of  
8 the State or political subdivision with respect to  
9 the discharge or the design, construction, instal-  
10 lation, or use of any marine pollution control  
11 device required to control the discharge.

12 “(B) FEDERAL LAWS.—This subsection  
13 shall not affect the application of section 311 to  
14 discharges incidental to the normal operation of  
15 a vessel.

16 “(7) ESTABLISHMENT OF STATE NO-DIS-  
17 CHARGE ZONES.—

18 “(A) STATE PROHIBITION.—

19 “(i) IN GENERAL.—After the effective  
20 date of—

21 “(I) a determination under para-  
22 graph (2) that it is not reasonable  
23 and practicable to require use of a  
24 marine pollution control device re-  
25 garding a particular discharge inci-

1           dental to the normal operation of a  
2           vessel of the Armed Forces; or

3                   “(II) regulations promulgated by  
4           the Secretary of Defense under para-  
5           graph (4);

6           if a State determines that the protection  
7           and enhancement of the quality of some or  
8           all of the waters within the State require  
9           greater environmental protection, the State  
10          may prohibit 1 or more discharges inciden-  
11          tal to the normal operation of a vessel,  
12          whether treated or not treated, into the  
13          waters. No prohibition shall apply until the  
14          Administrator makes the determinations  
15          described in subclauses (II) and (III) of  
16          subparagraph (B)(i).

17                   “(ii) DOCUMENTATION.—To the ex-  
18          tent that a prohibition under this para-  
19          graph would apply to vessels of the Armed  
20          Forces and not to other types of vessels,  
21          the State shall document the technical or  
22          environmental basis for the distinction.

23                   “(B) PROHIBITION BY THE ADMINIS-  
24          TRATOR.—

1           “(i) IN GENERAL.—Upon application  
2 of a State, the Administrator shall by reg-  
3 ulation prohibit the discharge from a vessel  
4 of 1 or more discharges incidental to the  
5 normal operation of a vessel, whether  
6 treated or not treated, into the waters cov-  
7 ered by the application if the Adminis-  
8 trator determines that—

9           “(I) the protection and enhance-  
10 ment of the quality of the specified  
11 waters within the State require a pro-  
12 hibition of the discharge into the wa-  
13 ters;

14           “(II) adequate facilities for the  
15 safe and sanitary removal of the dis-  
16 charge incidental to the normal oper-  
17 ation of a vessel are reasonably avail-  
18 able for the waters to which the prohi-  
19 bition would apply; and

20           “(III) the prohibition will not  
21 have the effect of discriminating  
22 against a vessel of the Armed Forces  
23 by reason of the ownership or oper-  
24 ation by the Federal Government, or  
25 the military function, of the vessel.

1           “(ii) APPROVAL OR DISAPPROVAL.—

2           The Administrator shall approve or dis-  
3           approve an application submitted under  
4           clause (i) not later than 90 days after the  
5           date on which the application is submitted  
6           to the Administrator. Notwithstanding  
7           clause (i)(II), the Administrator shall not  
8           disapprove an application for the sole rea-  
9           son that there are not adequate facilities to  
10          remove any discharge incidental to the nor-  
11          mal operation of a vessel from vessels of  
12          the Armed Forces.

13          “(C) APPLICABILITY TO FOREIGN  
14          FLAGGED VESSELS.—A prohibition under this  
15          paragraph—

16                 “(i) shall not impose any design, con-  
17                 struction, manning, or equipment standard  
18                 on a foreign flagged vessel engaged in in-  
19                 nocent passage unless the prohibition im-  
20                 plements a generally accepted international  
21                 rule or standard; and

22                 “(ii) that relates to the prevention, re-  
23                 duction, and control of pollution shall not  
24                 apply to a foreign flagged vessel engaged  
25                 in transit passage unless the prohibition

1 implements an applicable international reg-  
2 ulation regarding the discharge of oil, oily  
3 waste, or any other noxious substance into  
4 the waters.

5 “(8) PROHIBITION RELATING TO VESSELS OF  
6 THE ARMED FORCES.—After the effective date of the  
7 regulations promulgated by the Secretary of Defense  
8 under paragraph (4), it shall be unlawful for any  
9 vessel of the Armed Forces subject to the regula-  
10 tions to—

11 “(A) operate in the navigable waters of the  
12 United States or the waters of the contiguous  
13 zone, if the vessel is not equipped with any re-  
14 quired marine pollution control device meeting  
15 standards established under this subsection; or

16 “(B) discharge overboard any discharge in-  
17 cidental to the normal operation of a vessel in  
18 waters with respect to which a prohibition on  
19 the discharge has been established under para-  
20 graph (7).

21 “(9) ENFORCEMENT.—This subsection shall be  
22 enforceable, as provided in subsections (j) and (k),  
23 against any agency of the United States responsible  
24 for vessels of the Armed Forces notwithstanding any  
25 immunity asserted by the agency.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) DEFINITIONS.—Section 312(a) of the Fed-  
3 eral Water Pollution Control Act (33 U.S.C.  
4 1322(a)) is amended—

5 (A) in paragraph (8)—

6 (i) by striking “or”; and

7 (ii) by inserting “or agency of the  
8 United States” after “association,”;

9 (B) in paragraph (11), by striking the pe-  
10 riod at the end and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(12) ‘discharge incidental to the normal oper-  
13 ation of a vessel’—

14 “(A) means a discharge, including—

15 “(i) graywater, bilge water, cooling  
16 water, weather deck runoff, ballast water,  
17 oil water separator effluent, and any other  
18 pollutant discharge from the operation of a  
19 marine propulsion system, shipboard ma-  
20 neuvering system, crew habitability system,  
21 or installed major equipment, such as an  
22 aircraft carrier elevator or a catapult, or  
23 from a protective, preservative, or absorp-  
24 tive application to the hull of the vessel;  
25 and

1           “(ii) a discharge in connection with  
2           the testing, maintenance, and repair of a  
3           system described in clause (i) whenever the  
4           vessel is waterborne; and

5           “(B) does not include—

6           “(i) a discharge of rubbish, trash, gar-  
7           bage, or other such material discharged  
8           overboard;

9           “(ii) an air emission resulting from  
10          the operation of a vessel propulsion sys-  
11          tem, motor driven equipment, or inciner-  
12          ator; or

13          “(iii) a discharge that is not covered  
14          by part 122.3 of title 40, Code of Federal  
15          Regulations (as in effect on the date of en-  
16          actment of subsection (n));

17          “(13) ‘marine pollution control device’ means  
18          any equipment or management practice, for installa-  
19          tion or use on board a vessel of the Armed Forces,  
20          that is—

21                 “(A) designed to receive, retain, treat, con-  
22                 trol, or discharge a discharge incidental to the  
23                 normal operation of a vessel; and

24                 “(B) determined by the Administrator and  
25                 the Secretary of Defense to be the most effec-

1           tive equipment or management practice to re-  
2           duce the environmental impacts of the dis-  
3           charge consistent with the considerations set  
4           forth in subsection (n)(2)(B); and

5           “(14) ‘vessel of the Armed Forces’ means—

6                   “(A) any vessel owned or operated by the  
7           Department of Defense, other than a time or  
8           voyage chartered vessel; and

9                   “(B) any vessel owned or operated by the  
10          Department of Transportation that is des-  
11          ignated by the Secretary of the department in  
12          which the Coast Guard is operating as a vessel  
13          equivalent to a vessel described in subparagraph  
14          (A).”.

15          (2) ENFORCEMENT.—The first sentence of sec-  
16          tion 312(j) of the Federal Water Pollution Control  
17          Act (33 U.S.C. 1322(j)) is amended—

18                   (A) by striking “of this section or” and in-  
19                   serting a comma; and

20                   (B) by striking “of this section shall” and  
21                   inserting “, or subsection (n)(8) shall”.

22          (3) OTHER DEFINITIONS.—Subparagraph (A)  
23          of the second sentence of section 502(6) of the Fed-  
24          eral Water Pollution Control Act (33 U.S.C.  
25          1362(6)) is amended by striking “‘sewage from ves-

1 sels'” and inserting “sewage from vessels or a dis-  
2 charge incidental to the normal operation of a vessel  
3 of the Armed Forces”.

4 (d) COOPERATION IN STANDARDS DEVELOPMENT.—  
5 The Administrator of the Environmental Protection Agen-  
6 cy and the Secretary of Defense may, by mutual agree-  
7 ment, with or without reimbursement, provide for the use  
8 of information, reports, personnel, or other resources of  
9 the Environmental Protection Agency or the Department  
10 of Defense to carry out section 312(n) of the Federal  
11 Water Pollution Control Act (as added by subsection (b)),  
12 including the use of the resources to—

13 (1) determine—

14 (A) the nature and environmental effect of  
15 discharges incidental to the normal operation of  
16 a vessel of the Armed Forces;

17 (B) the practicability of using marine pol-  
18 lution control devices on vessels of the Armed  
19 Forces; and

20 (C) the effect that installation or use of  
21 marine pollution control devices on vessels of  
22 the Armed Forces would have on the operation  
23 or operational capability of the vessels; and

1           (2) establish performance standards for marine  
2           pollution control devices on vessels of the Armed  
3           Forces.

4 **SEC. 323. REVISION OF AUTHORITIES RELATING TO RES-**  
5 **TORATION ADVISORY BOARDS.**

6           (a) REGULATIONS.—Paragraph (2) of subsection (d)  
7 of section 2705 of title 10, United States Code, is amend-  
8 ed to read as follows:

9           “(2)(A) The Secretary shall prescribe regulations re-  
10          garding the establishment of restoration advisory boards  
11          pursuant to this subsection.

12          “(B) The regulations shall set forth the following  
13          matters:

14                 “(i) The functions of the boards.

15                 “(ii) Funding for the boards.

16                 “(iii) Accountability of the boards for expendi-  
17          tures of funds.

18                 “(iv) The routine administrative expenses that  
19          may be paid pursuant to paragraph (3).

20          “(C) The issuance of regulations under subparagraph  
21 (A) shall not be a precondition to the establishment of res-  
22 toration advisory boards under this subsection.”.

23           (b) FUNDING FOR ADMINISTRATIVE EXPENSES.—  
24 Paragraph (3) of such subsection is amended to read as  
25 follows:

1       “(3) The Secretary may authorize the commander of  
2 an installation to pay routine administrative expenses of  
3 a restoration advisory board established for that installa-  
4 tion. Such payments shall be made from funds available  
5 under subsection (g).”.

6       (c) TECHNICAL ASSISTANCE.—Such section is fur-  
7 ther amended by striking out subsection (e) and inserting  
8 in lieu thereof the following new subsection (e):

9       “(e) TECHNICAL ASSISTANCE.—(1) The Secretary  
10 may authorize the commander of an installation, upon the  
11 request of the technical review committee or restoration  
12 advisory board for the installation, to obtain for the com-  
13 mittee or advisory board, as the case may be, from private  
14 sector sources technical assistance for interpreting sci-  
15 entific and engineering issues with regard to the nature  
16 of environmental hazards at the installation and the res-  
17 toration activities proposed for or conducted at the instal-  
18 lation. The commander of an installation shall use funds  
19 made available under subsection (g) for obtaining assist-  
20 ance under this paragraph.

21       “(2) The commander of an installation may obtain  
22 technical assistance under paragraph (1) for a technical  
23 review committee or restoration advisory board only if—

24               “(A) the technical review committee or restora-  
25               tion advisory board demonstrates that the Federal,

1 State, and local agencies responsible for overseeing  
2 environmental restoration at the installation, and  
3 available Department of Defense personnel, do not  
4 have the technical expertise necessary for achieving  
5 the objective for which the technical assistance is to  
6 be obtained;

7 “(B) the technical assistance is likely to con-  
8 tribute to the efficiency, effectiveness, or timeliness  
9 of environmental restoration activities at the instal-  
10 lation; and

11 “(C) the technical assistance is likely to con-  
12 tribute to community acceptance of environmental  
13 restoration activities at the installation.”.

14 (d) FUNDING.—(1) Such section is further amended  
15 by adding at the end the following:

16 “(g) FUNDING.—The Secretary shall, to the extent  
17 provided in appropriations Acts, make funds available  
18 under subsections (d)(3) and (e)(1) using funds in the fol-  
19 lowing accounts:

20 “(1) In the case of a military installation not  
21 approved for closure pursuant to a base closure law,  
22 the Defense Environmental Restoration Account es-  
23 tablished under section 2703(a) of this title.

24 “(2) In the case of an installation approved for  
25 closure pursuant to such a law, the Department of

1 Defense Base Closure Account 1990 established  
2 under section 2906(a) of the Defense Base Closure  
3 and Realignment Act of 1990 (part A of title XXIX  
4 of Public Law 101–510; 10 U.S.C. 2687 note).”.

5 (2)(A) Subject to subparagraph (B), the total amount  
6 of funds made available under section 2705(g) of title 10,  
7 United States Code, as added by paragraph (1), for fiscal  
8 year 1996 may not exceed \$4,000,000.

9 (B) Amounts may not be made available under sub-  
10 section (g) of such section 2705 after March 1, 1996, un-  
11 less the Secretary of Defense prescribes the regulations  
12 required under subsection (d) of such section, as amended  
13 by subsection (a).

14 (e) DEFINITION.—Such section is further amended  
15 by adding at the end the following:

16 “(h) DEFINITION.—In this section, the term ‘base  
17 closure law’ means the following:

18 “(1) Title II of the Defense Authorization  
19 Amendments and Base Closure and Realignment  
20 Act (Public Law 100–526; 10 U.S.C. 2687 note).

21 “(2) The Defense Base Closure and Realign-  
22 ment Act of 1990 (part A of title XXIX of Public  
23 Law 101–510; 10 U.S.C. 2687 note).

24 “(3) Section 2687 of this title.”.

1 (f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW  
2 COMMITTEES AND RESTORATION ADVISORY BOARDS.—  
3 Section 2706(a)(2) of title 10, United States Code, is  
4 amended by adding at the end the following:

5 “(J) A statement of the activities, if any, of the  
6 technical review committee or restoration advisory  
7 board established for the installation under section  
8 2705 of this title during the preceding fiscal year.”.

9 **Subtitle D—Civilian Employees**

10 **SEC. 331. MINIMUM NUMBER OF MILITARY RESERVE TECH-**  
11 **NICIANS.**

12 For each of fiscal years 1996 and 1997, the minimum  
13 number of personnel employed as military reserve techni-  
14 cians (as defined in section 8401(30) of title 5, United  
15 States Code) for reserve components as of the last day  
16 of such fiscal year shall be as follows:

- 17 (1) For the Army National Guard, 25,750.  
18 (2) For the Army Reserve, 7,000.  
19 (3) For the Air National Guard, 23,250.  
20 (4) For the Air Force Reserve, 10,000.

21 **SEC. 332. EXEMPTION OF DEPARTMENT OF DEFENSE FROM**  
22 **PERSONNEL CEILINGS FOR CIVILIAN PER-**  
23 **SONNEL.**

24 Section 129 of title 10, United States Code, is  
25 amended—

1 (1) in subsection (a), by striking out “man-year  
2 constraint or limitation” and inserting in lieu there-  
3 of “constraint or limitation in terms of man years,  
4 end strength, full-time equivalent (FTE) employees,  
5 or maximum number of employees”; and

6 (2) in subsection (b)(2), by striking out “any  
7 end-strength” and inserting in lieu thereof “any con-  
8 straint or limitation in terms of man years, end  
9 strength, full-time equivalent (FTE) employees, or  
10 maximum number of employees”.

11 **SEC. 333. WEARING OF UNIFORM BY NATIONAL GUARD**  
12 **TECHNICIANS.**

13 (a) REQUIREMENT.—Section 709(b) of title 32, Unit-  
14 ed States Code, is amended to read as follows:

15 “(b) Except as prescribed by the Secretary concerned,  
16 a technician employed under subsection (a) shall, while so  
17 employed—

18 “(1) be a member of the National Guard;

19 “(2) hold the military grade specified by the  
20 Secretary concerned for that position; and

21 “(3) wear the uniform appropriate for the mem-  
22 ber’s grade and component of the armed forces while  
23 performing duties as a technician.”.

1 (b) UNIFORM ALLOWANCES FOR OFFICERS.—Section  
2 417 of title 37, United States Code, is amended by adding  
3 at the end the following:

4 “(d)(1) For purposes of sections 415 and 416 of this  
5 title, a period for which an officer of an armed force, while  
6 employed as a National Guard technician, is required to  
7 wear a uniform under section 709(b) of title 32 shall be  
8 treated as a period of active duty (other than for training).

9 “(2) A uniform allowance may not be paid, and uni-  
10 forms may not be furnished, to an officer under section  
11 1593 of title 10 or section 5901 of title 5 for a period  
12 of employment referred to in paragraph (1) for which an  
13 officer is paid a uniform allowance under section 415 or  
14 416 of this title.”.

15 (c) CLOTHING OR ALLOWANCES FOR ENLISTED  
16 MEMBERS.—Section 418 of title 37, United States Code,  
17 is amended—

18 (1) by inserting “(a)” before “The President”;

19 and

20 (2) by adding at the end the following:

21 “(b) In determining the quantity and kind of clothing  
22 or allowances to be furnished pursuant to regulations pre-  
23 scribed under this section to persons employed as National  
24 Guard technicians under section 709 of title 32, the Presi-  
25 dent shall take into account the requirement under sub-

1 section (b) of such section for such persons to wear a uni-  
2 form.

3 “(c) A uniform allowance may not be paid, and uni-  
4 forms may not be furnished, under section 1593 of title  
5 10 or section 5901 of title 5 to a person referred to in  
6 subsection (b) for a period of employment referred to in  
7 that subsection for which a uniform allowance is paid  
8 under section 415 or 416 of this title.”.

9 **SEC. 334. EXTENSION OF TEMPORARY AUTHORITY TO PAY**  
10 **CIVILIAN EMPLOYEES WITH RESPECT TO THE**  
11 **EVACUATION FROM GUANTANAMO, CUBA.**

12 (a) EXTENSION FOR 120 Days.—The authority pro-  
13 vided in section 103 of Public Law 104–6 (109 Stat.79)  
14 shall be effective until the end of January 31, 1996.

15 (b) MONTHLY REPORT.—On the first day of each  
16 month, the Secretary of the Navy shall transmit to the  
17 Committee on Armed Services of the Senate and the Com-  
18 mittee on National Security of the House of Representa-  
19 tives a report regarding the employees being paid pursu-  
20 ant to section 103 of Public Law 104–6. The report shall  
21 include the number of the employees, their positions of  
22 employment, the number and location of the employees’  
23 dependents, and the actions that the Secretary is taking  
24 to eliminate the conditions making the payments nec-  
25 essary.

1 **SEC. 335. SHARING OF PERSONNEL OF DEPARTMENT OF**  
2 **DEFENSE DOMESTIC DEPENDENT SCHOOLS**  
3 **AND DEFENSE DEPENDENTS' EDUCATION**  
4 **SYSTEM.**

5 Section 2164(e) of title 10, United States Code, is  
6 amended by adding at the end the following:

7 “(4)(A) The Secretary may, without regard to the  
8 provisions of any law relating to the number, classifica-  
9 tion, or compensation of employees—

10 “(i) transfer civilian employees in schools estab-  
11 lished under this section to schools in the defense  
12 dependents' education system in order to provide the  
13 services referred to in subparagraph (B) to such sys-  
14 tem; and

15 “(ii) transfer employees in such system to such  
16 schools in order to provide such services to such  
17 schools.

18 “(B) The services referred to in subparagraph (A)  
19 are the following:

20 “(i) Administrative services.

21 “(ii) Logistical services.

22 “(iii) Personnel services.

23 “(iv) Such other services as the Secretary con-  
24 siders appropriate.

25 “(C) Transfers under this paragraph shall extend for  
26 such periods as the Secretary considers appropriate. The

1 Secretary shall provide appropriate compensation for em-  
2 ployees so transferred.

3 “(D) The Secretary may provide that the transfer of  
4 any employee under this paragraph occur without reim-  
5 bursement of the school or system concerned.

6 “(E) In this paragraph, the term ‘defense depend-  
7 ents’ education system’ means the program established  
8 and operated under section 1402(a) of the Defense De-  
9 pendants’ Education Act of 1978 (20 U.S.C. 921(a)).”.

10 **SEC. 336. REVISION OF AUTHORITY FOR APPOINTMENTS**

11 **OF INVOLUNTARILY SEPARATED MILITARY**

12 **RESERVE TECHNICIANS.**

13 (a) REVISION OF AUTHORITY.—Section 3329 of title  
14 5, United States Code, as added by section 544 of the  
15 National Defense Authorization Act for Fiscal Year 1993  
16 (Public Law 102–484; 106 Stat. 2415), is amended—

17 (1) in subsection (b), by striking out “be of-  
18 fered” and inserting in lieu thereof “be provided  
19 placement consideration in a position described in  
20 subsection (c) through a priority placement program  
21 of the Department of Defense”; and

22 (2) by striking out subsection (c) and inserting  
23 in lieu thereof the following new subsection (c):

24 “(c)(1) The position to be offered a former military  
25 technician under subsection (b) shall be a position—

1           “(A) in either the competitive service or the ex-  
2           cepted service;

3           “(B) within the Department of Defense; and

4           “(C) in which the person is qualified to serve,  
5           taking into consideration whether the employee in  
6           that position is required to be a member of a reserve  
7           component of the armed forces as a condition of em-  
8           ployment.

9           “(2) To the maximum extent practicable, the position  
10          shall also be in a pay grade or other pay classification  
11          sufficient to ensure that the rate of basic pay of the former  
12          military technician, upon appointment to the position, is  
13          not less than the rate of basic pay last received by the  
14          former military technician for technician service before  
15          separation.”.

16          (b) TECHNICAL AND CLERICAL AMENDMENTS.—(1)  
17          The section 3329 of title 5, United States Code, that was  
18          added by section 4431 of the National Defense Authoriza-  
19          tion Act for Fiscal Year 1993 (Public Law 102–484; 106  
20          Stat. 2719) is redesignated as section 3330 of such title.

21          (2) The table of sections at the beginning of chapter  
22          33 of such title is amended by striking out the item relat-  
23          ing to section 3329, as added by section 4431(b) of such  
24          Act (106 Stat. 2720), and inserting in lieu thereof the  
25          following new item:

“3330. Government-wide list of vacant positions.”.

1 **SEC. 337. COST OF CONTINUING HEALTH INSURANCE COV-**  
2 **ERAGE FOR EMPLOYEES VOLUNTARILY SEP-**  
3 **ARATED FROM POSITIONS TO BE ELIMI-**  
4 **NATED IN A REDUCTION IN FORCE.**

5 Section 8905a(d)(4) of title 5, United States Code,  
6 is amended—

7 (1) in subparagraph (A)—

8 (A) by striking out “from a position” and  
9 inserting in lieu thereof “or voluntary separa-  
10 tion from a surplus position”; and

11 (B) by striking out “force—” and insert-  
12 ing in lieu thereof “force or a closure or re-  
13 alignment of a military installation pursuant to  
14 a base closure law—”; and

15 (2) by adding at the end the following new sub-  
16 paragraph:

17 “(C) In this paragraph:

18 “(i) The term ‘surplus position’ means a posi-  
19 tion that, as determined under regulations pre-  
20 scribed by the Secretary of Defense, is identified  
21 during planning for a reduction in force as being no  
22 longer required and is designated for elimination  
23 during the reduction in force.

24 “(ii) The term ‘base closure law’ means the fol-  
25 lowing:

26 “(I) Section 2687 of title 10.

1           “(II) Title II of the Defense Authorization  
2           Amendments and Base Closure and Realign-  
3           ment Act (Public Law 100–526; 10 U.S.C.  
4           2687 note).

5           “(III) The Defense Base Closure and Re-  
6           alignment Act of 1990 (part A of title XXIX of  
7           Public Law 101–510; 10 U.S.C. 2687 note).

8           “(iii) The term ‘military installation’—

9           “(I) in the case of an installation covered  
10          by section 2687 of title 10, has the meaning  
11          given such term in subsection (e)(1) of such  
12          section;

13          “(II) in the case of an installation covered  
14          by the Act referred to in subclause (II) of  
15          clause (ii), has the meaning given such term in  
16          section 209(6) of such Act;

17          “(III) in the case of an installation covered  
18          by the Act referred to in subclause (III) of that  
19          clause, has the meaning given such term in sec-  
20          tion 2910(4) of such Act.”.

21 **SEC. 338. ELIMINATION OF 120-DAY LIMITATION ON DE-**  
22 **TAILS OF CERTAIN EMPLOYEES.**

23          Subsection (b) of section 3341 of title 5, United  
24          States Code, is amended—

25                 (1) by inserting “(1)” after “(b)”; and

1 (2) by adding at the end the following:

2 “(2) Details of employees of the Department of De-  
3 fense under subsection (a) of this section may be made  
4 only by written order of the Secretary of the military de-  
5 partment concerned (or by the Secretary of Defense, in  
6 the case of an employee of the Department of Defense who  
7 is not an employee of a military department) or a designee  
8 of the Secretary. Paragraph (1) does not apply to the De-  
9 partment of Defense.”.

10 **SEC. 339. REPEAL OF REQUIREMENT FOR PART-TIME CA-**

11 **REER OPPORTUNITY EMPLOYMENT RE-**

12 **PORTS.**

13 Section 3407 of title 5, United States Code, is  
14 amended by adding at the end the following:

15 “(c) This section does not apply to the Department  
16 of Defense.”.

17 **SEC. 340. AUTHORITY OF CIVILIAN EMPLOYEES OF DE-**

18 **PARTMENT OF DEFENSE TO PARTICIPATE**

19 **VOLUNTARILY IN REDUCTIONS IN FORCE.**

20 Section 3502 of title 5, United States Code, is  
21 amended by adding at the end the following:

22 “(f)(1) The Secretary of Defense or the Secretary of  
23 a military department may—

24 “(A) release in a reduction in force an employee  
25 who volunteers for the release even though the em-



1       “(2)(A) If an employee paid severance pay in a lump  
2 sum under this subsection is reemployed by the Govern-  
3 ment of the United States or the government of the Dis-  
4 trict of Columbia at such time that, had the employee been  
5 paid severance pay in regular pay periods under subsection  
6 (b), the payments of such pay would have been discon-  
7 tinued under subsection (d) upon such reemployment, the  
8 employee shall refund to the Department of Defense (for  
9 the military department that formerly employed the em-  
10 ployee, if applicable) an amount equal to the amount of  
11 severance pay to which the employee was entitled under  
12 this section that would not have been paid to the employee  
13 under subsection (d) by reason of such reemployment.

14       “(B) The period of service represented by an amount  
15 of severance pay refunded by an employee under subpara-  
16 graph (A) shall be considered service for which severance  
17 pay has not been received by the employee under this sec-  
18 tion.

19       “(C) Amounts refunded to an agency under this para-  
20 graph shall be credited to the appropriation available for  
21 the pay of employees of the agency for the fiscal year in  
22 which received. Amounts so credited shall be merged with,  
23 and shall be available for the same purposes and the same  
24 period as, the other funds in that appropriation.

1       “(3) This subsection applies with respect to severance  
2 payable under this section for separations taking effect on  
3 or after the date of the enactment of the National Defense  
4 Authorization Act for Fiscal Year 1996 and before Octo-  
5 ber 1, 1999.”.

6 **SEC. 342. HOLIDAYS FOR EMPLOYEES WHOSE BASIC WORK-**  
7 **WEEK IS OTHER THAN MONDAY THROUGH**  
8 **FRIDAY.**

9       Section 6103(b) of title 5, United States Code, is  
10 amended—

11           (1) in paragraph (2), by striking out “Instead”  
12 and inserting in lieu thereof “Except as provided in  
13 paragraph (3), instead”; and

14           (2) by adding at the end the following:

15           “(3)(A) In the case of an employee of a military  
16 department or any other employee of the Depart-  
17 ment of Defense, subject to the discretion of the  
18 Secretary concerned, instead of a holiday that occurs  
19 on a regular weekly non-workday of an employee  
20 whose basic workweek is other than Monday through  
21 Friday, the legal holiday for the employee is—

22           “(i) the workday of the employee imme-  
23 diately before the regular weekly non-workday;

24           or

1           “(ii) if the holiday occurs on a regular  
2           weekly non-workday administratively scheduled  
3           for the employee instead of Sunday, the next  
4           immediately following workday of the employee.

5           “(B) For purposes of subparagraph (A), the  
6           term ‘Secretary concerned’ has the meaning given  
7           that term in subparagraphs (A), (B), and (C) of sec-  
8           tion 101(a)(9) of title 10 and includes the Secretary  
9           of Defense with respect to an employee of the De-  
10          partment of Defense who is not an employee of a  
11          military department.”.

12 **SEC. 343. COVERAGE OF NONAPPROPRIATED FUND EM-**  
13                           **PLOYEES UNDER AUTHORITY FOR FLEXIBLE**  
14                           **AND COMPRESSED WORK SCHEDULES.**

15          Paragraph (2) of section 6121 of title 5, United  
16 States Code, is amended to read as follows:

17           “(2) ‘employee’ has the meaning given the term  
18           in subsection (a) of section 2105 of this title, except  
19           that such term also includes an employee described  
20           in subsection (c) of that section;”.

21           **Subtitle E—Defense Financial**  
22                           **Management**

23 **SEC. 351. FINANCIAL MANAGEMENT TRAINING.**

24          (a) LIMITATION.—Funds authorized by this Act to  
25 be appropriated for the Department of Defense may not

1 be obligated for a capital lease for the establishment of  
2 a Department of Defense financial management training  
3 center before the date that is 90 days after the date on  
4 which the Secretary of Defense submits, in accordance  
5 with subsection (b), a certification of the need for such  
6 a center and a report on financial management training  
7 for Department of Defense personnel.

8 (b) CERTIFICATION AND REPORT.—(1) Before obli-  
9 gating funds for a Department of Defense financial man-  
10 agement training center, the Secretary of Defense shall—

11 (A) certify to the Committee on Armed Services  
12 of the Senate and the Committee on National Secu-  
13 rity of the House of Representatives the need for  
14 such a center; and

15 (B) submit to such committees, with the certifi-  
16 cation, a report on financial management training  
17 for Department of Defense personnel.

18 (2) Any report under paragraph (1) shall contain the  
19 following:

20 (A) The Secretary's analysis of the require-  
21 ments for providing financial management training  
22 for employees of the Department of Defense.

23 (B) The alternatives considered by the Sec-  
24 retary for meeting those requirements.

1 (C) A detailed plan for meeting those require-  
2 ments.

3 (D) A financial analysis of the estimated short-  
4 term and long-term costs of carrying out the plan.

5 (E) If, after the analysis referred to in subpara-  
6 graph (A) and after considering alternatives as de-  
7 scribed in subparagraph (B), the Secretary deter-  
8 mines to meet the requirements through a financial  
9 management training center—

10 (i) the determination of the Secretary re-  
11 garding the location for the university; and

12 (ii) a description of the process used by the  
13 Secretary for selecting that location.

14 **SEC. 352. LIMITATION ON OPENING OF NEW CENTERS FOR**  
15 **DEFENSE FINANCE AND ACCOUNTING SERV-**  
16 **ICE.**

17 (a) **LIMITATION.**—During fiscal year 1996, the Sec-  
18 retary of Defense may not establish any center for the De-  
19 fense Finance and Accounting Service that is not operat-  
20 ing on the date of the enactment of this Act.

21 (b) **EXCEPTION.**—If the Secretary submits to Con-  
22 gress not later than March 31, 1996, a report containing  
23 a discussion of the need for establishing a new center pro-  
24 hibited by subsection (a), the prohibition in such sub-

1 section shall not apply to the center effective 30 days after  
2 the date on which Congress receives the report.

3 (c) REEXAMINATION OF NEED REQUIRED.—Before  
4 submitting a report regarding a new center that the Sec-  
5 retary planned before the date of the enactment of this  
6 Act to establish on or after that date, the Secretary shall  
7 reconsider the need for establishing that center.

## 8 **Subtitle F—Miscellaneous**

### 9 **Assistance**

#### 10 **SEC. 361. DEPARTMENT OF DEFENSE FUNDING FOR NA-**

#### 11 **TIONAL GUARD PARTICIPATION IN JOINT**

#### 12 **DISASTER AND EMERGENCY ASSISTANCE EX-**

#### 13 **ERCISES.**

14 Section 503(a) of title 32, United States Code, is  
15 amended—

16 (1) by inserting “(1)” after “(a)”; and

17 (2) by adding at the end the following:

18 “(2) Paragraph (1) includes authority to provide for  
19 participation of the National Guard in conjunction with  
20 the Army or the Air Force, or both, in joint exercises for  
21 instruction to prepare the National Guard for response to  
22 civil emergencies and disasters.”.

#### 23 **SEC. 362. OFFICE OF CIVIL-MILITARY PROGRAMS.**

24 None of the funds authorized to be appropriated by  
25 this or any other Act may be obligated or expended for

1 the Office of Civil-Military Programs within the Office of  
2 the Assistant Secretary of Defense for Reserve Affairs.

3 **SEC. 363. REVISION OF AUTHORITY FOR CIVIL-MILITARY**  
4 **COOPERATIVE ACTION PROGRAM.**

5 (a) RESERVE COMPONENTS TO BE USED FOR COOP-  
6 ERATIVE ACTION.—Section 410 of title 10, United States  
7 Code, is amended in the second sentence of subsection (a)  
8 by inserting “of the reserve components and of the combat  
9 support and combat service support elements of the regu-  
10 lar components” after “resources”.

11 (b) PROGRAM OBJECTIVES.—Subsection (b) of such  
12 section is amended by striking out paragraphs (1), (2),  
13 (3), (4), (5), and (6) and inserting in lieu thereof the fol-  
14 lowing:

15 “(1) To enhance individual and unit training  
16 and morale in the armed forces.

17 “(2) To encourage cooperation between civilian  
18 and military sectors of society.”.

19 (c) REGULATIONS.—Subsection (d) of such section is  
20 amended by striking out paragraphs (5) and (6) and in-  
21 serting in lieu thereof the following:

22 “(5) Procedures to ensure that Department of  
23 Defense resources are not applied exclusively to the  
24 program.



1     **Subtitle G—Operation of Morale,**  
2     **Welfare, and Recreation Activities**

3     **SEC. 371. DISPOSITION OF EXCESS MORALE, WELFARE,**  
4                     **AND RECREATION FUNDS.**

5             Section 2219 of title 10, United States Code, is  
6 amended—

7             (1) in the first sentence, by striking out “a  
8             military department” and inserting in lieu thereof  
9             “an armed force”;

10            (2) in the second sentence—

11                 (A) by striking out “, department-wide”;  
12             and

13                 (B) by striking out “of the military depart-  
14             ment” and inserting in lieu thereof “for that  
15             armed force”; and

16             (3) by adding at the end the following: “This  
17             section does not apply to the Coast Guard.”.

18     **SEC. 372. ELIMINATION OF CERTAIN RESTRICTIONS ON**  
19                     **PURCHASES AND SALES OF ITEMS BY EX-**  
20                     **CHANGE STORES AND OTHER MORALE, WEL-**  
21                     **FARE, AND RECREATION FACILITIES.**

22             (a) RESTRICTIONS ELIMINATED.—(1) Subchapter II  
23 of chapter 134 of title 10, United States Code, is amended  
24 by adding at the end the following new section:

1 **“§2255. Military exchange stores and other morale,**  
2 **welfare, and recreation facilities: sale of**  
3 **items**

4 “(a) AUTHORITY.—The MWR retail facilities may  
5 sell items in accordance with regulations prescribed by the  
6 Secretary of Defense.

7 “(b) CERTAIN RESTRICTIONS PROHIBITED.—The  
8 regulations may not include any of the following restric-  
9 tions on the sale of items:

10 “(1) A restriction on the prices of items offered  
11 for sale, including any requirement to establish  
12 prices on the basis of a specific relationship between  
13 the prices charged for the merchandise and the cost  
14 of the merchandise to the MWR retail facilities con-  
15 cerned.

16 “(2) A restriction on price of purchase of an  
17 item.

18 “(3) A restriction on the categories of items  
19 that may be offered for sale.

20 “(4) A restriction on the size of items that may  
21 be offered for sale.

22 “(5) A restriction on the basis of—

23 “(A) whether the item was manufactured,  
24 produced, or mined in the United States; or

1           “(B) the extent to which the merchandise  
2           contains components or materials manufac-  
3           tured, produced, or mined in the United States.

4           “(c) MWR RETAIL FACILITY DEFINED.—In this sec-  
5           tion, the term ‘MWR retail facilities’ means exchange  
6           stores and other revenue generating facilities operated by  
7           nonappropriated fund activities of the Department of De-  
8           fense for the morale, welfare, and recreation of members  
9           of the armed forces.”.

10          (2) The table of sections at the beginning of sub-  
11          chapter II of chapter 134 of such title is amended by add-  
12          ing at the end the following:

          “2255. Military exchange stores and other morale, welfare, and recreation facili-  
          ties: sale of items.”.

13          (b) REPORT.—Not later than June 1, 1996, the Sec-  
14          retary of Defense shall submit to the Committee on Armed  
15          Services of the Senate and the Committee on National Se-  
16          curity of the House of Representatives a report that iden-  
17          tifies each restriction in effect immediately before the date  
18          of the enactment of this Act that is terminated or made  
19          inapplicable by section 2255 of title 10, United States  
20          Code (as added by subsection (a)), to exchange stores and  
21          other revenue generating facilities operated by  
22          nonappropriated fund activities of the Department of De-  
23          fense for the morale, welfare, and recreation of members  
24          of the Armed Forces.

1 **SEC. 373. REPEAL OF REQUIREMENT TO CONVERT SHIPS'**  
 2 **STORES TO NONAPPROPRIATED FUND IN-**  
 3 **STRUMENTALITIES.**

4 (a) REPEAL.—Section 371 of the National Defense  
 5 Authorization Act for Fiscal Year 1994 (Public Law 103–  
 6 160; 107 Stat. 1634; 10 U.S.C. 7604 note) is amended  
 7 by striking out subsections (a), (b), and (d).

8 (b) REPEAL OF RELATED CODIFIED PROVISIONS.—  
 9 Section 7604 of title 10, United States Code, is amend-  
 10 ed—

11 (1) in subsection (a), by striking out “(a) IN  
 12 GENERAL.—”; and

13 (2) by striking out subsections (b) and (c).

14 **Subtitle H—Other Matters**

15 **SEC. 381. NATIONAL DEFENSE SEALIFT FUND: AVAILABIL-**  
 16 **ITY FOR THE NATIONAL DEFENSE RESERVE**  
 17 **FLEET.**

18 Section 2218 of title 10, United States Code is  
 19 amended—

20 (1) in subsection (c)(1)—

21 (A) by striking out “and” at the end of  
 22 subparagraph (C);

23 (B) by striking out the period at the end  
 24 of subparagraph (D) and inserting in lieu there-  
 25 of “; and”; and

26 (C) by adding at the end the following:

1           “(E) expenses of the National Defense Re-  
2           serve Fleet, as established by section 11 of the  
3           Merchant Ship Sales Act of 1946 (50 U.S.C.  
4           App. 1744).”; and

5           (2) in subsection (i), by striking out “Nothing”  
6           and inserting in lieu thereof “Except as provided in  
7           subsection (c)(1)(E), nothing”.

8   **SEC. 382. AVAILABILITY OF RECOVERED LOSSES RESULT-**  
9                                   **ING FROM CONTRACTOR FRAUD.**

10          (a) DEPARTMENT OF DEFENSE TO RECEIVE 3 PER-  
11          CENT.—Subchapter I of chapter 134 of title 10, United  
12          States Code, is amended by adding at the end the follow-  
13          ing new section:

14   **“§ 2250. Recoveries of losses and expenses resulting**  
15                                   **from contractor fraud**

16          “(a) RETENTION OF PART OF RECOVERY.—(1) Not-  
17          withstanding any other provision of law, a portion of the  
18          amount recovered by the Government in a fiscal year for  
19          losses and expenses incurred by the Department of De-  
20          fense as a result of contractor fraud at military installa-  
21          tions shall be credited to appropriations accounts of the  
22          Department of Defense for that fiscal year in accordance  
23          with allocations made pursuant to subsection (b).

1       “(2) The total amount credited to appropriations ac-  
2 counts for a fiscal year pursuant to paragraph (1) shall  
3 be the lesser of—

4               “(A) the amount equal to three percent of the  
5 amount referred to in such paragraph that is recov-  
6 ered in that fiscal year; or

7               “(B) \$500,000.

8       “(b) ALLOCATION OF RECOVERED FUNDS.—The  
9 Secretary of Defense shall allocate amounts recovered in  
10 a contractor fraud case through the Secretary of the mili-  
11 tary department concerned to each installation that in-  
12 curred a loss or expense as a result of the fraud.

13       “(c) USE BY MILITARY DEPARTMENTS.—The Sec-  
14 retary of a military department receiving an allocation  
15 under subsection (b) in a fiscal year with respect to a con-  
16 tractor fraud case—

17               “(1) shall credit (for use by each installation  
18 concerned) the amount equal to the costs incurred  
19 by the military department in carrying out or sup-  
20 porting an investigation or litigation of the contrac-  
21 tor fraud case to appropriations accounts of the de-  
22 partment for such fiscal year that are used for pay-  
23 ing the costs of carrying out or supporting investiga-  
24 tions or litigation of contractor fraud cases; and

1           “(2) may credit to any appropriation account of  
2           the department for that fiscal year (for use by each  
3           installation concerned) the amount, if any, that ex-  
4           ceeds the amount credited to appropriations ac-  
5           counts under paragraph (1).

6           “(d) RECOVERIES INCLUDED.—(1) Subject to para-  
7           graph (2)(B), subsection (a) applies to amounts recovered  
8           in civil or administrative actions (including settlements)  
9           as actual damages, restitution, and investigative costs.

10          “(2) Subsection (a) does not apply to—

11                 “(A) criminal fines, forfeitures, civil penalties,  
12                 and damages in excess of actual damages; or

13                 “(B) recoveries of losses or expenses incurred  
14                 by working-capital funds managed through the De-  
15                 fense Business Operations Fund.”.

16          (b) CLERICAL AMENDMENT.—The table of sections  
17           at the beginning of subchapter I of such chapter is amend-  
18           ed by adding at the end the following:

          “2248. Recoveries of losses and expenses resulting from contractor fraud.”.

19   **SEC. 383. PERMANENT AUTHORITY FOR USE OF PROCEEDS**  
20                                 **FROM THE SALE OF CERTAIN LOST, ABAN-**  
21                                 **DONED, OR UNCLAIMED PROPERTY.**

22          (a) PERMANENT AUTHORITY.—Section 2575 of title  
23           10 is amended—

24                 (1) by striking out subsection (b) and inserting  
25                 in lieu thereof the following:

1       “(b)(1) In the case of property found on a military  
2 installation, the proceeds from the sale of the property  
3 under this section shall be credited to the operation and  
4 maintenance account of that installation and used—

5               “(A) to reimburse the installation for any costs  
6 incurred by the installation to collect, transport,  
7 store, protect, or sell the property; and

8               “(B) if all such costs are reimbursed, to sup-  
9 port morale, welfare, and recreation activities under  
10 the jurisdiction of the armed forces conducted for  
11 the comfort, pleasure, contentment, or physical or  
12 mental improvement of members of the armed forces  
13 at that installation.

14       “(2) The net proceeds from the sale of other property  
15 under this section shall be covered into the Treasury as  
16 miscellaneous receipts.”; and

17               (2) by adding at the end the following:

18       “(d)(1) The owner (or heirs, next of kin, or legal rep-  
19 resentative of the owner) of personal property the proceeds  
20 of which are credited to a military installation under sub-  
21 section (b)(1) may file a claim with the Secretary of De-  
22 fense for the amount equal to the proceeds (less costs re-  
23 ferred to in subparagraph (A) of such subsection).  
24 Amounts to pay the claim shall be drawn from the morale,

1 welfare, and recreation account for the installation that  
2 received the proceeds.

3 “(2) The owner (or heirs, next of kin, or legal rep-  
4 resentative of the owner) may file a claim with the General  
5 Accounting Office for proceeds covered into the Treasury  
6 under subsection (b)(2).

7 “(3) Unless a claim is filed under this subsection  
8 within 5 years after the date of the disposal of the prop-  
9 erty to which the claim relates, the claim may not be con-  
10 sidered by a court, the Secretary of Defense (in the case  
11 of a claim filed under paragraph (1)), or the General Ac-  
12 counting Office (in the case of a claim filed under para-  
13 graph (2)).”.

14 (b) REPEAL OF AUTHORITY FOR DEMONSTRATION  
15 PROGRAM.—Section 343 of the National Defense Author-  
16 ization Act for Fiscal Years 1992 and 1993 (Public Law  
17 102–190; 105 Stat. 1343) is repealed.

18 **SEC. 384. SALE OF MILITARY CLOTHING AND SUBSISTENCE**  
19 **AND OTHER SUPPLIES OF THE NAVY AND MA-**  
20 **RINE CORPS.**

21 (a) IN GENERAL.—Chapter 651 of title 10, United  
22 States Code, is amended by adding at the end the follow-  
23 ing new section:

1 **“§ 7606. Subsistence and other supplies: members of**  
2 **armed forces; veterans; executive or mili-**  
3 **tary departments and employees; prices**

4 “(a) The Secretary of the Navy shall procure and sell,  
5 for cash or credit—

6 “(1) articles designated by the Secretary to  
7 members of the Navy and Marine Corps; and

8 “(2) items of individual clothing and equipment  
9 to members of the Navy and Marine Corps, under  
10 such restrictions as the Secretary may prescribe.

11 An account of sales on credit shall be kept and the amount  
12 due reported to the Secretary. Except for articles and  
13 items acquired through the use of working capital funds  
14 under section 2208 of this title, sales of articles shall be  
15 at cost, and sales of individual clothing and equipment  
16 shall be at average current prices, including overhead, as  
17 determined by the Secretary.

18 “(b) The Secretary shall sell subsistence supplies to  
19 members of other armed forces at the prices at which like  
20 property is sold to members of the Navy and Marine  
21 Corps.

22 “(c) The Secretary may sell serviceable supplies,  
23 other than subsistence supplies, to members of other  
24 armed forces for the buyers’ use in the service. The prices  
25 at which the supplies are sold shall be the same prices

1 at which like property is sold to members of the Navy and  
2 Marine Corps.

3 “(d) A person who has been discharged honorably or  
4 under honorable conditions from the Army, Navy, Air  
5 Force or Marine Corps and who is receiving care and med-  
6 ical treatment from the Public Health Service or the De-  
7 partment of Veterans Affairs may buy subsistence supplies  
8 and other supplies, except articles of uniform, at the prices  
9 at which like property is sold to members of the Navy and  
10 Marine Corps.

11 “(e) Under such conditions as the Secretary may pre-  
12 scribe, exterior articles of uniform may be sold to a person  
13 who has been discharged from the Navy or Marine Corps  
14 honorably or under honorable conditions, at the prices at  
15 which like articles are sold to members of the Navy or  
16 Marine Corps. This subsection does not modify sections  
17 772 or 773 of this title.

18 “(f) Payment for subsistence supplies sold under this  
19 section shall be made in cash.

20 “(g)(1) The Secretary may provide for the procure-  
21 ment and sale of stores designated by the Secretary to  
22 such civilian officers and employees of the United States,  
23 and such other persons, as the Secretary considers prop-  
24 er—

1           “(A) at military installations outside the United  
2 States; and

3           “(B) subject to paragraph (2), at military in-  
4 stallations inside the United States where the Sec-  
5 retary determines that it is impracticable for those  
6 civilian officers, employees, and persons to obtain  
7 such stores from commercial enterprises without im-  
8 pairing the efficient operation of military activities.

9           “(2) Sales to civilian officers and employees inside  
10 the United States may be made under paragraph (1) only  
11 to those residing within military installations.

12           “(h) Appropriations for subsistence of the Navy or  
13 Marine Corps may be applied to the purchase of subsist-  
14 ence supplies for sale to members of the Navy and Marine  
15 Corps on active duty for the use of themselves and their  
16 families.”.

17           (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 651 of such title is amended  
19 by adding at the end the following:

“7606. Subsistence and other supplies: members of armed forces; veterans; execu-  
tive or military departments and employees; prices.”.

1 **SEC. 385. CONVERSION OF CIVILIAN MARKSMANSHIP PRO-**  
2 **GRAM TO NONAPPROPRIATED FUND INSTRU-**  
3 **MENTALITY AND ACTIVITIES UNDER PRO-**  
4 **GRAM.**

5 (a) CONVERSION.—Section 4307 of title 10, United  
6 States Code, is amended to read as follows:

7 **“§ 4307. Promotion of rifle practice and firearms safe-**  
8 **ty: administration**

9 “(a) NONAPPROPRIATED FUND INSTRUMENTAL-  
10 ITY.—On and after October 1, 1995, the Civilian Marks-  
11 manship Program shall be operated as a nonappropriated  
12 fund instrumentality of the United States within the De-  
13 partment of Defense for the benefit of members of the  
14 armed forces and for the promotion of rifle practice and  
15 firearms safety among civilians.

16 “(b) ADVISORY COMMITTEE.—(1) The Civilian  
17 Marksmanship Program shall be under the general super-  
18 vision of an Advisory Committee for the Promotion of  
19 Rifle Practice and Firearms Safety, which shall replace  
20 the National Board for the Promotion of Rifle Practice.  
21 The Advisory Committee shall be appointed by the Sec-  
22 retary of the Army.

23 “(2) Members of the Advisory Committee shall serve  
24 without compensation, except that members shall be al-  
25 lowed travel expenses, including per diem in lieu of sub-  
26 sistence, at rates authorized for employees of agencies

1 under subchapter I of chapter 57 of title 5, while away  
2 from their homes or regular places of business in the per-  
3 formance of Advisory Committee services.

4 “(c) DIRECTOR.—The Secretary of the Army shall  
5 appoint a person to serve as Director of the Civilian  
6 Marksmanship Program.

7 “(d) FUNDING.—(1) The Advisory Committee and  
8 the Director may solicit, accept, hold, use, and dispose of,  
9 in furtherance of the activities of the Civilian Marksman-  
10 ship Program, donations of money, property, and services  
11 received by gift, devise, bequest, or otherwise. Donations  
12 may be accepted notwithstanding any legal restrictions  
13 otherwise arising from procurement relationships of the  
14 donors with the United States.

15 “(2) All amounts collected under the Civilian Marks-  
16 manship Program, including the proceeds from the sale  
17 of arms, ammunition, targets, and other supplies and ap-  
18 pliances under section 4308 of this title, shall be credited  
19 to the Civilian Marksmanship Program and shall be avail-  
20 able to carry out the Civilian Marksmanship Program.  
21 Amounts collected by, and available to, the National  
22 Board for the Promotion of Rifle Practice before the date  
23 of the enactment of this section from sales programs and  
24 from fees in connection with competitions sponsored by  
25 that Board shall be transferred to the nonappropriated

1 funds account established for the Civilian Marksmanship  
2 Program and shall be available to carry out the Civilian  
3 Marksmanship Program.

4 “(3) Funds held on behalf of the Civilian Marksman-  
5 ship Program shall not be construed to be Government  
6 or public funds or appropriated funds and shall not be  
7 available to support other nonappropriated fund instru-  
8 mentalities of the Department of Defense. Expenditures  
9 on behalf of the Civilian Marksmanship Program, includ-  
10 ing compensation and benefits for civilian employees, may  
11 not exceed \$5,000,000 during any fiscal year. The ap-  
12 proval of the Advisory Committee shall be required for any  
13 expenditure in excess of \$50,000. Notwithstanding any  
14 other provision of law, funds held on behalf of the Civilian  
15 Marksmanship Program shall remain available until ex-  
16 pended.

17 “(e) INAPPLICABILITY OF ADVISORY COMMITTEE  
18 ACT.—The Federal Advisory Committee Act (5 U.S.C.  
19 App.) does not apply to the Advisory Committee.

20 “(f) DEFINITIONS.—In this section and sections  
21 4308 through 4313 of this title:

22 “(1) The term ‘Civilian Marksmanship Pro-  
23 gram’ means the rifle practice and firearms safety  
24 program carried out under section 4308 of this title  
25 and includes the National Matches and small-arms

1 firing schools referred to in section 4312 of this  
2 title.

3 “(2) The term ‘Advisory Committee’ means the  
4 Advisory Committee for the Promotion of Rifle  
5 Practice and Firearms Safety.

6 “(3) The term ‘Director’ means the Director of  
7 the Civilian Marksmanship Program.”.

8 (b) ACTIVITIES.—Section 4308 of such title is  
9 amended to read as follows:

10 **“§ 4308. Promotion of rifle practice and firearms safe-**  
11 **ty: activities**

12 “(a) INSTRUCTION, SAFETY, AND COMPETITION  
13 PROGRAMS.—(1) The Civilian Marksmanship Program  
14 shall provide for—

15 “(A) the operation and maintenance of indoor  
16 and outdoor rifle ranges and their accessories and  
17 appliances;

18 “(B) the instruction of citizens of the United  
19 States in marksmanship, and the employment of  
20 necessary instructors for that purpose;

21 “(C) the promotion of safe and responsible  
22 practice in the use of rifled arms and the mainte-  
23 nance and management of matches or competitions  
24 in the use of those arms; and

1           “(D) the award to competitors of trophies,  
2 prizes, badges, and other insignia.

3           “(2) In carrying out this subsection, the Civilian  
4 Marksmanship Program shall give priority to activities  
5 that benefit firearms safety training and competition for  
6 youth and reach as many youth participants as possible.

7           “(3) Before a person may participate in any activity  
8 sponsored or supported by the Civilian Marksmanship  
9 Program under this subsection, the person shall be re-  
10 quired to certify that the person has not violated any Fed-  
11 eral or State firearms laws.

12           “(b) SALE AND ISSUANCE OF ARMS AND AMMUNI-  
13 TION.—(1) The Civilian Marksmanship Program may  
14 issue, without cost, the arms, ammunition (including cali-  
15 ber .22 and caliber .30 ammunition), targets, and other  
16 supplies and appliances necessary for activities conducted  
17 under subsection (a). Issuance shall be made only to gun  
18 clubs under the direction of the Director of the program  
19 that provide training in the use of rifled arms to youth,  
20 the Junior Reserve Officers’ Training Corps, the Boy  
21 Scouts of America, 4-H Clubs, Future Farmers of Amer-  
22 ica, and other youth-oriented organizations for training  
23 and competition.

24           “(2) The Director of the Civilian Marksmanship Pro-  
25 gram may sell at fair market value caliber .30 rifles and

1 accoutrements, caliber .22 rifles, and air rifles, and ammu-  
2 nition for such rifles, to gun clubs that are under the di-  
3 rection of the Director and provide training in the use of  
4 rifled arms. In lieu of sales, the Director may loan such  
5 rifles to such gun clubs.

6       “(3) The Director of the Civilian Marksmanship Pro-  
7 gram may sell at fair market value small arms, ammuni-  
8 tion, targets, and other supplies and appliances necessary  
9 for target practice to citizens of the United States over  
10 18 years of age who are members of a gun club under  
11 the direction of the Director.

12       “(4) Before conveying any weapon or ammunition to  
13 a person, whether by sale or lease, the Director shall pro-  
14 vide for a criminal records check of the person with appro-  
15 priate Federal and State law enforcement agencies.

16       “(c) OTHER AUTHORITIES.—The Director shall pro-  
17 vide for—

18               “(1) the procurement of necessary supplies, ap-  
19 pliances, trophies, prizes, badges, and other insignia,  
20 clerical and other services, and labor to carry out the  
21 Civilian Marksmanship Program; and

22               “(2) the transportation of employees, instruc-  
23 tors, and civilians to give or to receive instruction or  
24 to assist or engage in practice in the use of rifled  
25 arms, and the transportation and subsistence, or an

1 allowance instead of subsistence, of members of  
2 teams authorized by the Advisory Committee to par-  
3 ticipate in matches or competitions in the use of ri-  
4 fled arms.

5 “(d) FEES.—The Director, in consultation with the  
6 Advisory Committee, may impose reasonable fees for per-  
7 sons and gun clubs participating in any program or com-  
8 petition conducted under the Civilian Marksmanship Pro-  
9 gram for the promotion of rifle practice and firearms safe-  
10 ty among civilians.

11 “(e) RECEIPT OF EXCESS ARMS AND AMMUNI-  
12 TION.—(1) The Secretary of the Army shall reserve for  
13 the Civilian Marksmanship Program all remaining M-1  
14 Garand rifles, accoutrements, and ammunition for such ri-  
15 fles, still held by the Army. After the date of the enact-  
16 ment of the National Defense Authorization Act for Fiscal  
17 Year 1996, the Secretary of the Army shall cease demili-  
18 tarization of remaining M-1 Garand rifles in the Army  
19 inventory unless such rifles are determined to be irrep-  
20 arable.

21 “(2) Transfers under this subsection shall be made  
22 without cost to the Civilian Marksmanship Program, ex-  
23 cept for the costs of transportation for the transferred  
24 small arms and ammunition.



1 (d) CONFORMING AMENDMENTS.—(1) Section  
2 4312(a) of such title is amended by striking out “as pre-  
3 scribed by the Secretary of the Army” and inserting in  
4 lieu thereof “as part of the Civilian Marksmanship Pro-  
5 gram”.

6 (2) Section 4313 of such title is amended—

7 (A) in subsection (a), by striking out “Sec-  
8 retary of the Army” both places it appears and in-  
9 serting in lieu thereof “Advisory Committee”; and

10 (B) in subsection (b), by striking out “Appro-  
11 priated funds available for the Civilian Marksmanship  
12 Program (as defined in section 4308(e) of this  
13 title) may” and inserting in lieu thereof  
14 “Nonappropriated funds available to the Civilian  
15 Marksmanship Program shall”.

16 (e) CLERICAL AMENDMENTS.—The table of sections  
17 at the beginning of chapter 401 of such title is amended  
18 by striking out the items relating to sections 4307, 4308,  
19 4309, and 4310 and inserting in lieu thereof the following  
20 new items:

“4307. Promotion of rifle practice and firearms safety: administration.

“4308. Promotion of rifle practice and firearms safety: activities.

“4309. Rifle ranges: availability for use by members and civilians.

“4310. Rifle instruction and competitions: participation of members.”.

21 (f) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect on October 1, 1995.

1 **SEC. 386. REPORT ON EFFORTS TO CONTRACT OUT CER-**  
2 **TAIN FUNCTIONS OF DEPARTMENT OF DE-**  
3 **FENSE.**

4 Not later than March 1, 1996, the Secretary of De-  
5 fense shall submit to Congress a report describing the ad-  
6 vantages and disadvantages of using contractor personnel,  
7 rather than civilian employees of the Department of De-  
8 fense, to perform functions of the Department that are  
9 not essential to the warfighting mission of the Armed  
10 Forces. The report shall specify all legislative and regu-  
11 latory impediments to contracting those functions for pri-  
12 vate performance.

13 **SEC. 387. IMPACT AID.**

14 (a) SPECIAL RULE FOR 1994 PAYMENTS.—The Sec-  
15 retary of Education shall not consider any payment to a  
16 local educational agency by the Department of Defense,  
17 that is available to such agency for current expenditures  
18 and used for capital expenses, as funds available to such  
19 agency for purposes of making a determination for fiscal  
20 year 1994 under section 3(d)(2)(B)(i) of the Act of Sep-  
21 tember 30, 1950 (Public Law 874, 81st Congress) (as  
22 such Act was in effect on September 30, 1994).

23 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-  
24 NECTED CHILDREN.—Subsection (f) of section 8003 of  
25 the Elementary and Secondary Education Act of 1965 (20  
26 U.S.C. 7703) is amended—

1 (1) in paragraph (2)—

2 (A) in the matter preceding clause (i) of  
3 subparagraph (A), by striking “only if such  
4 agency” and inserting “if such agency is eligible  
5 for a supplementary payment in accordance  
6 with subparagraph (B) or such agency”; and

7 (B) by adding at the end the following new  
8 subparagraph:

9 “(C) A local educational agency shall only  
10 be eligible to receive additional assistance under  
11 this subsection if the Secretary determines  
12 that—

13 “(i) such agency is exercising due dili-  
14 gence in availing itself of State and other  
15 financial assistance; and

16 “(ii) the eligibility of such agency  
17 under State law for State aid with respect  
18 to the free public education of children de-  
19 scribed in subsection (a)(1) and the  
20 amount of such aid are determined on a  
21 basis no less favorable to such agency than  
22 the basis used in determining the eligibility  
23 of local educational agencies for State aid,  
24 and the amount of such aid, with respect

1 to the free public education of other chil-  
2 dren in the State.”; and

3 (2) in paragraph (3)—

4 (A) in subparagraph (A)—

5 (i) in the matter preceding clause (i),  
6 by inserting “(other than any amount re-  
7 ceived under paragraph (2)(B))” after  
8 “subsection”;

9 (ii) in subclause (I) of clause (i), by  
10 striking “or the average per-pupil expendi-  
11 ture of all the States”;

12 (iii) by amending clause (ii) to read as  
13 follows:

14 “(ii) The Secretary shall next multiply  
15 the amount determined under clause (i) by  
16 the total number of students in average  
17 daily attendance at the schools of the local  
18 educational agency.”; and

19 (iv) by amending clause (iii) to read  
20 as follows:

21 “(iii) The Secretary shall next sub-  
22 tract from the amount determined under  
23 clause (ii) all funds available to the local  
24 educational agency for current expendi-

1 tures, but shall not so subtract funds pro-  
2 vided—

3 “(I) under this Act; or

4 “(II) by any department or agen-  
5 cy of the Federal Government (other  
6 than the Department) that are used  
7 for capital expenses.”; and

8 (B) by amending subparagraph (B) to read  
9 as follows:

10 “(B) SPECIAL RULE.—With respect to  
11 payments under this subsection for a fiscal year  
12 for a local educational agency described in  
13 clause (ii) or (iii) of paragraph (2)(A), the max-  
14 imum amount of payments under this sub-  
15 section shall be equal to—

16 “(i) the product of—

17 “(I) the average per-pupil ex-  
18 penditure in all States multiplied by  
19 0.7, except that such amount may not  
20 exceed 125 percent of the average per-  
21 pupil expenditure in all local edu-  
22 cational agencies in the State; multi-  
23 plied by

24 “(II) the number of students de-  
25 scribed in subparagraph (A) or (B) of

1 subsection (a)(1) for such agency;  
2 minus  
3 “(ii) the amount of payments such  
4 agency receives under subsections (b) and  
5 (d) for such year.”.

6 (c) CURRENT YEAR DATA.—Paragraph (4) of section  
7 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to  
8 read as follows:

9 “(4) CURRENT YEAR DATA.—For purposes of  
10 providing assistance under this subsection the Sec-  
11 retary—

12 “(A) shall use student and revenue data  
13 from the fiscal year for which the local edu-  
14 cational agency is applying for assistance under  
15 this subsection; and

16 “(B) shall derive the per pupil expenditure  
17 amount for such year for the local educational  
18 agency’s comparable school districts by increas-  
19 ing or decreasing the per pupil expenditure data  
20 for the second fiscal year preceding the fiscal  
21 year for which the determination is made by the  
22 same percentage increase or decrease reflected  
23 between the per pupil expenditure data for the  
24 fourth fiscal year preceding the fiscal year for

1           which the determination is made and the per  
2           pupil expenditure data for such second year.”.

3 **SEC. 388. FUNDING FOR TROOPS TO TEACHERS PROGRAM**  
4                                   **AND TROOPS TO COPS PROGRAM.**

5           (a) FUNDING.—Of the amount authorized to be ap-  
6           propriated under section 431—

7                   (1) \$42,000,000 shall be available for the  
8           Troops-to-Teachers program; and

9                   (2) \$10,000,000 shall be available for the  
10          Troops-to-Cops program.

11          (b) DEFINITION.—In this section:

12                   (1) The term “Troops-to-Cops program” means  
13          the program of assistance to separated members and  
14          former members of the Armed Forces to obtain em-  
15          ployment with law enforcement agencies established,  
16          or carried out, under section 1152 of title 10, Unit-  
17          ed States Code.

18                   (2) The term “Troops-to-Teachers program”  
19          means the program of assistance to separated mem-  
20          bers of the Armed Forces to obtain certification and  
21          employment as teachers or employment as teachers’  
22          aides established under section 1151 of such title.

1 **SEC. 389. AUTHORIZING THE AMOUNTS REQUESTED IN THE**  
2 **BUDGET FOR JUNIOR ROTC.**

3 (a) There is hereby authorized to be appropriated  
4 \$12,295,000 to fully fund the budget request for the Jun-  
5 ior Reserve Officer Training Corps programs of the Army,  
6 Navy, Air Force, and Marine Corps. Such amount is in  
7 addition to the amount otherwise available for such pro-  
8 grams under section 301.

9 (b) The amount authorized to be appropriated by sec-  
10 tion 101(4) is hereby reduced by \$12,295,000.

11 **SEC. 390. REPORT ON PRIVATE PERFORMANCE OF CER-**  
12 **TAIN FUNCTIONS PERFORMED BY MILITARY**  
13 **AIRCRAFT.**

14 (a) REPORT REQUIRED.—Not later than May 1,  
15 1996, the Secretary of Defense shall submit to Congress  
16 a report on the feasibility, including the costs and benefits,  
17 of using private sources for satisfying, in whole or in part,  
18 the requirements of the Department of Defense for VIP  
19 transportation by air, airlift for other personnel and for  
20 cargo, in-flight refueling of aircraft, and performance of  
21 such other military aircraft functions as the Secretary con-  
22 siders appropriate to discuss in the report.

23 (b) CONTENT OF REPORT.—The report shall include  
24 a discussion of the following:

25 (1) Contracting for the performance of the  
26 functions referred to in subsection (a).



1           (2) The table of sections at the beginning of such  
2 chapter is amended by adding at the end the following  
3 new item:

“2317. Equipment leasing.”.

4           (b) REPORT.—Not later than 90 days after the date  
5 of enactment of this Act, the Secretary of Defense shall  
6 submit a report to the congressional defense committees  
7 setting forth changes in legislation that would be required  
8 to facilitate the use of leases by the Department of De-  
9 fense in the acquisition of equipment.

10          (c) PILOT PROGRAM.—The Secretary of the Army  
11 may conduct a pilot program for leasing of commercial  
12 utility cargo vehicles as follows:

13           (1) Existing commercial utility cargo vehicles  
14 may be traded in for credit against new replacement  
15 commercial utility cargo vehicle lease costs;

16           (2) Quantities of commercial utility cargo vehi-  
17 cles to be traded in and their value to be credited  
18 shall be subject to negotiation between the parties;

19           (3) New commercial utility cargo vehicle lease  
20 agreements may be executed with or without options  
21 to purchase at the end of each lease period;

22           (4) New commercial utility cargo vehicle lease  
23 periods may not exceed five years;

24           (5) Such leasing pilot program shall consist of  
25 replacing no more than forty percent of the validated

1 requirement for commercial utility cargo vehicles,  
2 but may include an option or options for the remain-  
3 ing validated requirement which may be executed  
4 subject to the requirements of subsection (c)(7);

5 (6) The Army shall enter into such pilot pro-  
6 gram only if the Secretary—

7 (A) awards such program in accordance  
8 with the provisions of section 2304 of title 10,  
9 United States Code;

10 (B) has notified the congressional defense  
11 committees of his plans to execute the pilot pro-  
12 gram;

13 (C) has provided a report detailing the ex-  
14 pected savings in operating and support costs  
15 from retiring older commercial utility cargo ve-  
16 hicles compared to the expected costs of leasing  
17 newer commercial utility cargo vehicles; and

18 (D) has allowed 30 calendar days to elapse  
19 after such notification.

20 (7) One year after the date of execution of an  
21 initial leasing contract, the Secretary of the Army  
22 shall submit a report setting forth the status of the  
23 pilot program. Such report shall be based upon at  
24 least six months of operating experience. The Sec-  
25 retary may exercise an option or options for subse-

1       quent commercial utility cargo vehicles only after he  
2       has allowed 60 calendar days to elapse after submit-  
3       ting this report.

4               (8) EXPIRATION OF AUTHORITY.—No lease of  
5       commercial utility cargo vehicles may be entered into  
6       under the pilot program after September 30, 2000.

7                       **TITLE IV—MILITARY**  
8       **PERSONNEL AUTHORIZATIONS**  
9                       **Subtitle A—Active Forces**

10 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

11       (a) FISCAL YEAR 1996.—The Armed Forces are au-  
12       thorized strengths for active duty personnel as of Septem-  
13       ber 30, 1996, as follows:

14               (1) The Army, 495,000, of which not more than  
15       81,300 may be commissioned officers.

16               (2) The Navy, 428,340, of which not more than  
17       58,870 may be commissioned officers.

18               (3) The Marine Corps, 174,000, of which not  
19       more than 17,978 may be commissioned officers.

20               (4) The Air Force, 388,200, of which not more  
21       than 75,928 may be commissioned officers.

22       (b) FISCAL YEAR 1997.—The Armed Forces are au-  
23       thorized strengths for active duty personnel as of Septem-  
24       ber 30, 1997, as follows:

1 (1) The Army, 495,000, of which not more than  
 2 80,312 may be commissioned officers.

3 (2) The Navy, 409,740, of which not more than  
 4 56,615 may be commissioned officers.

5 (3) The Marine Corps, 174,000, of which not  
 6 more than 17,978 may be commissioned officers.

7 (4) The Air Force, 385,400, of which not more  
 8 than 76,494 may be commissioned officers.

9 **SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED**  
 10 **END STRENGTH LIMITATIONS FOR ACTIVE**  
 11 **DUTY AIR FORCE AND NAVY OFFICERS IN**  
 12 **CERTAIN GRADES.**

13 (a) AIR FORCE OFFICERS.—(1) In the administra-  
 14 tion of the limitation under section 523(a)(1) of title 10,  
 15 United States Code, for fiscal years 1996 and 1997, the  
 16 numbers applicable to officers of the Air Force serving on  
 17 active duty in the grades of major, lieutenant colonel, and  
 18 colonel shall be the numbers set forth for that fiscal year  
 19 in paragraph (2) (rather than the numbers determined in  
 20 accordance with the table in that section).

21 (2) The numbers referred to in paragraph (1) are as  
 22 follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996 .....	15,566	9,876	3,609
1997 .....	15,645	9,913	3,627

1 (b) NAVY OFFICERS.—(1) In the administration of  
 2 the limitation under section 523(a)(2) of title 10, United  
 3 States Code, for fiscal years 1996 and 1997, the numbers  
 4 applicable to officers of the Navy serving on active duty  
 5 in the grades of lieutenant commander, commander, and  
 6 captain shall be the numbers set forth for that fiscal year  
 7 in paragraph (2) (rather than the numbers determined in  
 8 accordance with the table in that section).

9 (2) The numbers referred to in paragraph (1) are as  
 10 follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant com- mander	Commander	Captain
1996 .....	11,924	7,390	3,234
1997 .....	11,732	7,297	3,188

11 **SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAIT-**  
 12 **ING RETIREMENT NOT TO BE COUNTED.**

13 (a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY  
 14 IN GENERAL AND FLAG OFFICER GRADES.—Section 525  
 15 of title 10, United States Code, is amended by adding at  
 16 the end the following:

17 “(d) An officer continuing to hold the grade of gen-  
 18 eral or admiral under section 601(b)(4) of this title after  
 19 relief from the position of Chairman of the Joint Chiefs  
 20 of Staff, Chief of Staff of the Army, Chief of Naval Oper-  
 21 ations, Chief of Staff of the Air Force, or Commandant

1 of the Marine Corps shall not be counted for purposes of  
2 this section.”.

3 (b) NUMBER OF OFFICERS ON ACTIVE DUTY IN  
4 GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of  
5 title 10, United States Code, is amended—

6 (1) by inserting “(1)” after “(b)”; and

7 (2) by adding at the end the following:

8 “(2) An officer continuing to hold the grade of gen-  
9 eral or admiral under section 601(b)(4) of this title after  
10 relief from the position of Chairman of the Joint Chiefs  
11 of Staff, Chief of Staff of the Army, Chief of Naval Oper-  
12 ations, Chief of Staff of the Air Force, or Commandant  
13 of the Marine Corps shall not be counted for purposes of  
14 this section.”.

## 15 **Subtitle B—Reserve Forces**

### 16 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

17 (a) FISCAL YEAR 1996.—The Armed Forces are au-  
18 thorized strengths for Selected Reserve personnel of the  
19 reserve components as of September 30, 1996, as follows:

20 (1) The Army National Guard of the United  
21 States, 373,000.

22 (2) The Army Reserve, 230,000.

23 (3) The Naval Reserve, 98,894.

24 (4) The Marine Corps Reserve, 42,274.

1           (5) The Air National Guard of the United  
2 States, 112,707.

3           (6) The Air Force Reserve, 73,969.

4           (7) The Coast Guard Reserve, 8,000.

5           (b) FISCAL YEAR 1997.—The Armed Forces are au-  
6 thorized strengths for Selected Reserve personnel of the  
7 reserve components as of September 30, 1997, as follows:

8           (1) The Army National Guard of the United  
9 States, 367,000.

10          (2) The Army Reserve, 215,000.

11          (3) The Naval Reserve, 96,694.

12          (4) The Marine Corps Reserve, 42,682.

13          (5) The Air National Guard of the United  
14 States, 107,151.

15          (6) The Air Force Reserve, 73,160.

16          (7) The Coast Guard Reserve, 8,000.

17          (c) WAIVER AUTHORITY.—The Secretary of Defense  
18 may vary the end strength authorized by subsection (a)  
19 or subsection (b) by not more than 2 percent.

20          (d) ADJUSTMENTS.—The end strengths prescribed by  
21 subsection (a) or (b) for the Selected Reserve of any re-  
22 serve component for a fiscal year shall be proportionately  
23 reduced by—

24           (1) the total authorized strength of units orga-  
25 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other  
2 than for training) at the end of the fiscal year, and  
3 (2) the total number of individual members not  
4 in units organized to serve as units of the Selected  
5 Reserve of such component who are on active duty  
6 (other than for training or for unsatisfactory partici-  
7 pation in training) without their consent at the end  
8 of the fiscal year.

9 Whenever such units or such individual members are re-  
10 leased from active duty during any fiscal year, the end  
11 strength prescribed for such fiscal year for the Selected  
12 Reserve of such reserve component shall be proportion-  
13 ately increased by the total authorized strengths of such  
14 units and by the total number of such individual members.

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
16 **DUTY IN SUPPORT OF THE RESERVES.**

17 (a) FISCAL YEAR 1996.—Within the end strengths  
18 prescribed in section 411(a), the reserve components of  
19 the Armed Forces are authorized, as of September 30,  
20 1996, the following number of Reserves to be serving on  
21 full-time active duty or, in the case of members of the Na-  
22 tional Guard, full-time National Guard duty for the pur-  
23 pose of organizing, administering, recruiting, instructing,  
24 or training the reserve components:

1           (1) The Army National Guard of the United  
2 States, 23,390.

3           (2) The Army Reserve, 11,575.

4           (3) The Naval Reserve, 17,587.

5           (4) The Marine Corps Reserve, 2,559.

6           (5) The Air National Guard of the United  
7 States, 10,066.

8           (6) The Air Force Reserve, 628.

9           (b) FISCAL YEAR 1997.—Within the end strengths  
10 prescribed in section 411(b), the reserve components of  
11 the Armed Forces are authorized, as of September 30,  
12 1997, the following number of Reserves to be serving on  
13 full-time active duty or, in the case of members of the Na-  
14 tional Guard, full-time National Guard duty for the pur-  
15 pose of organizing, administering, recruiting, instructing,  
16 or training the reserve components:

17           (1) The Army National Guard of the United  
18 States, 23,040.

19           (2) The Army Reserve, 11,550.

20           (3) The Naval Reserve, 17,171.

21           (4) The Marine Corps Reserve, 2,976.

22           (5) The Air National Guard of the United  
23 States, 9,824.

24           (6) The Air Force Reserve, 625.

1 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**  
 2 **GRADES AUTHORIZED TO SERVE ON ACTIVE**  
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) OFFICERS.—The table at the end of section  
 5 12011(a) of title 10, United States Code, is amended to  
 6 read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	3,219	1,071	643	140
Lieutenant Colonel or Commander .....	1,524	520	672	90
Colonel or Navy Captain .....	412	188	274	30”.

7 (b) SENIOR ENLISTED MEMBERS.—The table at the  
 8 end of section 12012(a) of such title is amended to read  
 9 as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9 .....	603	202	366	20
E-8 .....	2,585	429	890	94”.

10 **SEC. 414. RESERVES ON ACTIVE DUTY IN SUPPORT OF CO-**  
 11 **OPERATIVE THREAT REDUCTION PROGRAMS**  
 12 **NOT TO BE COUNTED.**

13 Section 115(d) of title 10, United States Code, is  
 14 amended by adding at the end the following:

15 “(8) Members of the Selected Reserve of the  
 16 Ready Reserve on active duty for more that 180  
 17 days to support programs described in section  
 18 1203(b) of the Cooperative Threat Reduction Act of

1 1993 (title XII of Public Law 103–160; 107 Stat.  
2 1778; 22 U.S.C. 5952(b)).”.

3 **SEC. 415. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-**  
4 **MILITARY CONTACTS AND COMPARABLE AC-**  
5 **TIVITIES NOT TO BE COUNTED.**

6 Section 168 of title 10, United States Code, is  
7 amended—

8 (1) by redesignating subsection (f) as sub-  
9 section (g); and

10 (2) by inserting after subsection (e) the follow-  
11 ing new subsection (f):

12 “(f) ACTIVE DUTY END STRENGTHS.—(1) A member  
13 of a reserve component referred to in paragraph (2) shall  
14 not be counted for purposes of the following personnel  
15 strength limitations:

16 “(A) The end strength for active-duty personnel  
17 authorized pursuant to section 115(a)(1) of this title  
18 for the fiscal year in which the member carries out  
19 the activities referred to in paragraph (2).

20 “(B) The authorized daily average for members  
21 in pay grades E–8 and E–9 under section 517 of  
22 this title for the calendar year in which the member  
23 carries out such activities.

24 “(C) The authorized strengths for commis-  
25 sioned officers under section 523 of this title for the

1 fiscal year in which the member carries out such ac-  
2 tivities.

3 “(2) A member of a reserve component referred to  
4 in paragraph (1) is any member on active duty under an  
5 order to active duty for 180 days or more who is engaged  
6 in activities authorized under this section.”.

7 **Subtitle C—Military Training**  
8 **Student Loads**

9 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

10 (a) FISCAL YEAR 1996.—For fiscal year 1996, the  
11 Armed Forces are authorized average military training  
12 student loads as follows:

13 (1) The Army, 75,013.

14 (2) The Navy, 44,238.

15 (3) The Marine Corps, 26,095.

16 (4) The Air Force, 33,232.

17 (b) FISCAL YEAR 1997.—For fiscal year 1997, the  
18 Armed Forces are authorized average military training  
19 student loads as follows:

20 (1) The Army, 79,275.

21 (2) The Navy, 44,121.

22 (3) The Marine Corps, 27,255.

23 (4) The Air Force, 35,522.

24 (c) SCOPE.—The average military training student  
25 load authorized for an armed force for a fiscal year under

1 subsection (a) or (b) applies to the active and reserve com-  
 2 ponents of that armed force for that fiscal year.

3 (d) ADJUSTMENTS.—The average military training  
 4 student load authorized for a fiscal year in subsection (a)  
 5 or (b) shall be adjusted consistent with the end strengths  
 6 authorized for that fiscal year in subtitles A and B. The  
 7 Secretary of Defense shall prescribe the manner in which  
 8 such adjustments shall be apportioned.

## 9 **Subtitle D—Authorization of** 10 **Appropriations**

### 11 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 12 **TARY PERSONNEL.**

13 There is hereby authorized to be appropriated to the  
 14 Department of Defense for military personnel for fiscal  
 15 year 1996 a total of \$68,896,863,000. The authorization  
 16 in the preceding sentence supersedes any other authoriza-  
 17 tion of appropriations (definite or indefinite) for such pur-  
 18 pose for fiscal year 1996.

## 19 **TITLE V—MILITARY PERSONNEL** 20 **POLICY**

### 21 **Subtitle A—Officer Personnel** 22 **Policy**

#### 23 **SEC. 501. JOINT OFFICER MANAGEMENT.**

24 (a) CRITICAL JOINT DUTY ASSIGNMENT POSI-  
 25 TIONS.—Section 661(d)(2)(A) of title 10, United States

1 Code, is amended by striking out “1,000” and inserting  
2 in lieu thereof “500”.

3 (b) ADDITIONAL QUALIFYING JOINT SERVICE.—Sec-  
4 tion 664 of such title is amended by adding at the end  
5 the following:

6 “(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK  
7 FORCE ASSIGNMENTS.—(1) The Secretary of Defense, in  
8 consultation with the Chairman of the Joint Chiefs of  
9 Staff, may credit an officer with having completed a full  
10 tour of duty in a joint duty assignment upon the officer’s  
11 completion of service described in paragraph (2) or may  
12 grant credit for such service for purposes of determining  
13 the cumulative service of the officer in joint duty assign-  
14 ments. The credit for such service may be granted without  
15 regard to the length of the service (except as provided in  
16 regulations pursuant to subparagraphs (A) and (B) of  
17 paragraph (4)) and without regard to whether the assign-  
18 ment in which the service was performed is a joint duty  
19 assignment as defined in regulations pursuant to section  
20 668 of this title.

21 “(2) Service performed by an officer in a temporary  
22 assignment on a joint task force or a multinational force  
23 headquarters staff may be considered for credit under  
24 paragraph (1) if—

1           “(A) the Secretary of Defense determines that  
2           the service in that assignment provided significant  
3           experience in joint matters;

4           “(B) any portion of the service in that assign-  
5           ment was performed on or after the date of the en-  
6           actment of the National Defense Authorization Act  
7           for Fiscal Year 1996; and

8           “(C) the officer is recommended for such credit  
9           by the Chief of Staff of the Army (for an officer in  
10          the Army), the Chief of Naval Operations (for an of-  
11          ficer in the Navy), the Chief of Staff of the Air  
12          Force (for an officer in the Air Force), or the Com-  
13          mandant of the Marine Corps (for an officer in the  
14          Marine Corps).

15          “(3) Credit shall be granted under paragraph (1) on  
16          a case-by-case basis.

17          “(4) The Secretary of Defense shall prescribe uni-  
18          form criteria for determining whether to grant an officer  
19          credit under paragraph (1). The criteria shall include the  
20          following:

21                 “(A) For an officer to be credited as having  
22                 completed a full tour of duty in a joint duty assign-  
23                 ment, the officer accumulated at least 24 months of  
24                 service in a temporary assignment referred to in  
25                 paragraph (2).

1           “(B) For an officer to be credited with service  
2           in a joint duty assignment for purposes of determin-  
3           ing cumulative service in joint duty assignments, the  
4           officer accumulated at least 30 consecutive days of  
5           service or 60 days of total service in a temporary as-  
6           signment referred to in paragraph (2).

7           “(C) The service was performed in support of  
8           a mission that was directed by the President or was  
9           assigned by the President to United States forces in  
10          the joint task force or multinational force involved.

11          “(D) The joint task force or multinational force  
12          involved was constituted or designated by the Sec-  
13          retary of Defense, by a commander of a combatant  
14          command or of another force, or by a multinational  
15          or United Nations command authority.

16          “(E) The joint task force or multinational force  
17          involved conducted military combat or combat-relat-  
18          ed operations or military operations other than war  
19          in a unified action under joint, multinational, or  
20          United Nations command and control.

21          “(5) Officers for whom joint duty credit is granted  
22          pursuant to this subsection shall not be taken into account  
23          for the purposes of section 661(d)(1) of this title, sub-  
24          sections (a)(3) and (b) of section 662 of this title, section

1 664(a) of this title, or paragraph (7), (8), (9), (11), or  
2 (12) of section 667 of this title.

3 “(6) In the case of an officer credited with having  
4 completed a full tour of duty in a joint duty assignment  
5 pursuant to this subsection, the Secretary of Defense may  
6 waive the requirement in paragraph (1)(B) of section  
7 661(c) of this title that the tour of duty in a joint duty  
8 assignment be performed after the officer completes a pro-  
9 gram of education referred to in paragraph (1)(A) of that  
10 section.”.

11 (c) INFORMATION IN ANNUAL REPORT.—Section 667  
12 of such title is amended—

13 (1) by redesignating paragraph (18) as para-  
14 graph (19); and

15 (2) by inserting after paragraph (17) the fol-  
16 lowing new paragraph (18):

17 “(18) The number of officers granted credit for  
18 service in joint duty assignments under section  
19 664(i) of this title and—

20 “(A) of those officers—

21 “(i) the number of officers credited  
22 with having completed a tour of duty in a  
23 joint duty assignment; and

24 “(ii) the number of officers granted  
25 credit for purposes of determining cumu-

1           lative service in joint duty assignments;  
2           and

3           “(B) the identity of each operation for  
4           which an officer has been granted credit pursu-  
5           ant to section 664(i) of this title and a brief de-  
6           scription of the mission of the operation.”.

7           (d) GENERAL AND FLAG OFFICER EXEMPTION  
8 FROM WAIVER LIMITS.—Section 661(c)(3)(D) of such  
9 title is amended by inserting “, other than for general or  
10 flag officers,” in the third sentence after “during any fis-  
11 cal year”.

12          (e) LENGTH OF SECOND JOINT TOUR.—Section 664  
13 of such title is amended—

14           (1) in subsection (e)(2), by inserting after sub-  
15           paragraph (B) the following:

16           “(C) Service described in subsection (f)(6), ex-  
17           cept that no more than 10 percent of all joint duty  
18           assignments shown on the list published pursuant to  
19           section 668(b)(2)(A) of this title may be so excluded  
20           in any year.”; and

21           (2) in subsection (f)—

22           (A) by striking out “or” at the end of  
23           paragraph (4);

1 (B) by striking out the period at the end  
2 of paragraph (5) and inserting in lieu thereof “;  
3 or”; and

4 (C) by adding at the end the following:

5 “(6) a second joint duty assignment that is less  
6 than the period required under subsection (a), but  
7 not less than 2 years, without regard to whether a  
8 waiver was granted for such assignment under sub-  
9 section (b).”.

10 **SEC. 502. REVISION OF SERVICE OBLIGATION FOR GRAD-**  
11 **UATES OF THE SERVICE ACADEMIES.**

12 (a) **MILITARY ACADEMY.**—Section 4348(a)(2)(B) of  
13 such title is amended by striking out “six years” and in-  
14 serting in lieu thereof “five years”.

15 (b) **NAVAL ACADEMY.**—Section 6959(a)(2)(B) of  
16 such title is amended by striking out “six years” and in-  
17 serting in lieu thereof “five years”.

18 (c) **AIR FORCE ACADEMY.**—Section 9348(a)(2)(B) of  
19 such title is amended by striking out “six years” and in-  
20 serting in lieu thereof “five years”.

21 (d) **REQUIREMENT FOR REVIEW AND REPORT.**—Not  
22 later than April 1, 1996, the Secretary of Defense shall—

23 (1) review the effects that each of various peri-  
24 ods of obligated active duty service for graduates of  
25 the United States Military Academy, the United

1 States Naval Academy, and the United States Air  
2 Force Academy would have on the number and qual-  
3 ity of the eligible and qualified applicants seeking  
4 appointment to such academies; and

5 (2) submit to the Committee on Armed Services  
6 of the Senate and the Committee on National Secu-  
7 rity of the House of Representatives a report on the  
8 Secretary's findings together with any recommended  
9 legislation regarding the minimum periods of obli-  
10 gated active duty service for graduates of the United  
11 States Military Academy, the United States Naval  
12 Academy, and the United States Air Force Acad-  
13 emy.

14 (e) EFFECTIVE DATE.—(1) The amendments made  
15 by this section shall apply to persons who are first admit-  
16 ted to military service academies after December 31,  
17 1991.

18 (2) Section 511(e) of the National Defense Author-  
19 ization Act for Fiscal Years 1990 and 1991 (Public Law  
20 101-189; 103 Stat. 1439; 10 U.S.C. 2114 note) is amend-  
21 ed—

22 (A) by striking out “amendments made by this  
23 section” and inserting in lieu thereof “amendment  
24 made by subsection (a)”; and

1 (B) by striking out “or one of the service acad-  
2 emies”.

3 **SEC. 503. QUALIFICATIONS FOR APPOINTMENT AS SUR-**  
4 **GEON GENERAL OF AN ARMED FORCE.**

5 (a) SURGEON GENERAL OF THE ARMY.—Section  
6 3036 of title 10, United States Code, is amended—

7 (1) in subsection (b), by inserting after the  
8 third sentence the following: “The Surgeon General  
9 shall be appointed as prescribed in subsection (f).”;  
10 and

11 (2) by adding at the end the following new sub-  
12 section (f):

13 “(f) The President shall appoint the Surgeon General  
14 from among commissioned officers in any corps of the  
15 Army Medical Department who are educationally and pro-  
16 fessionally qualified to furnish health care to other per-  
17 sons, including doctors of medicine, dentistry, and osteop-  
18 athy, nurses, and clinical psychologists.”.

19 (b) SURGEON GENERAL OF THE NAVY.—Section  
20 5137 of title 10, United States Code, is amended—

21 (1) in the first sentence of subsection (a), by  
22 striking out “in the Medical Corps” and inserting in  
23 lieu thereof “who are educationally and profes-  
24 sionally qualified to furnish health care to other per-

1 sons, including doctors of medicine, dentistry, and  
2 osteopathy, nurses, and clinical psychologists”; and

3 (2) in subsection (b), by striking out “in the  
4 Medical Corps” and inserting in lieu thereof “who is  
5 qualified to be the Chief of the Bureau of Medicine  
6 and Surgery”.

7 (c) SURGEON GENERAL OF THE AIR FORCE.—The  
8 first sentence of section 8036 of title 10, United States  
9 Code, is amended by striking out “designated as medical  
10 officers under section 8067(a) of this title” and inserting  
11 in lieu thereof “educationally and professionally qualified  
12 to furnish health care to other persons, including doctors  
13 of medicine, dentistry, and osteopathy, nurses, and clinical  
14 psychologists”.

15 **SEC. 504. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR**  
16 **FORCE.**

17 (a) TENURE AND GRADE OF DEPUTY JUDGE ADVO-  
18 CATE GENERAL.—Section 8037(d)(1) of such title is  
19 amended—

20 (1) by striking out “two years” in the second  
21 sentence and inserting in lieu thereof “four years”,  
22 and

23 (2) by striking out the last sentence and insert-  
24 ing in lieu thereof the following: “An officer ap-  
25 pointed as Deputy Judge Advocate General who

1 holds a lower regular grade shall be appointed in the  
2 regular grade of major general.”.

3 (b) SAVINGS PROVISION.—The amendments made by  
4 this section shall not apply to a person serving pursuant  
5 to appointment in the position of Deputy Judge Advocate  
6 General of the Air Force while such person is serving the  
7 term for which the person was appointed to such position  
8 before the date of the enactment of this Act and any ex-  
9 tension of such term.

10 **SEC. 505. RETIRING GENERAL AND FLAG OFFICERS: APPLI-**  
11 **CABILITY OF UNIFORM CRITERIA AND PRO-**  
12 **CEDURES FOR RETIRING IN HIGHEST GRADE**  
13 **IN WHICH SERVED.**

14 (a) APPLICABILITY OF TIME-IN-GRADE REQUIRE-  
15 MENTS.—Section 1370 of title 10, United States Code, is  
16 amended—

17 (1) in subsection (a)(2)(A), by striking out  
18 “and below lieutenant general or vice admiral”; and

19 (2) in the first sentence of subsection (d)(2)(B),  
20 as added by section 1641 of the Reserve Officer Per-  
21 sonnel Management Act (title XVI of Public Law  
22 103–337; 108 Stat. 2968), by striking out “and  
23 below lieutenant general or vice admiral”.

1 (b) RETIREMENT IN HIGHEST GRADE UPON CER-  
2 TIFICATION OF SATISFACTORY SERVICE.—Section  
3 1370(c) of title 10, United States Code, is amended—

4 (1) by striking out “Upon retirement an offi-  
5 cer” and inserting in lieu thereof “An officer”; and

6 (2) by striking out “may, in the discretion” and  
7 all that follows and inserting in lieu thereof “may be  
8 retired in the higher grade under subsection (a) only  
9 after the Secretary of Defense certifies in writing to  
10 the President and the Senate that the officer served  
11 on active duty satisfactorily in that grade. The 3-  
12 year time-in-grade requirement in paragraph (2)(A)  
13 of subsection (a) may not be reduced or waived  
14 under such subsection in the case of such an officer  
15 while the officer is under investigation for alleged  
16 misconduct or while disposition of an adverse per-  
17 sonnel action is pending against the officer for al-  
18 leged misconduct.”.

19 (c) CONFORMING AMENDMENTS.—Sections 3962(a),  
20 5034, and 8962(a) of title 10, United States Code, are  
21 repealed.

22 (d) TECHNICAL AND CLERICAL AMENDMENTS.—(1)  
23 Sections 3962(b) and 8962(b) of such title are amended  
24 by striking out “(b) Upon” and inserting in lieu thereof  
25 “Upon”.

1 (2) The table of sections at the beginning of chapter  
2 505 of such title is amended by striking out the item relat-  
3 ing to section 5034.

4 (e) EFFECTIVE DATE FOR AMENDMENTS TO PROVI-  
5 SION TAKING EFFECT IN 1996.—The amendment made  
6 by subsection (a)(2) shall take effect on October 1, 1996,  
7 immediately after subsection (d) of section 1370 of title  
8 10, United States Code, takes effect under section  
9 1691(b)(1) of the Reserve Officer Personnel Management  
10 Act (108 Stat. 3026).

11 **SEC. 506. EXTENSION OF CERTAIN RESERVE OFFICER MAN-**  
12 **AGEMENT AUTHORITIES.**

13 (a) GRADE DETERMINATION AUTHORITY FOR CER-  
14 TAIN RESERVE MEDICAL OFFICERS.—Section 3359(b)  
15 and 8359(b) of title 10, United States Code, are each  
16 amended by striking out “September 30, 1995” and in-  
17 serting in lieu thereof “September 30, 1996”.

18 (b) PROMOTION AUTHORITY FOR CERTAIN RESERVE  
19 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)  
20 and 8380(d) of title 10, United States Code, are each  
21 amended by striking out “September 30, 1995” and in-  
22 serting in lieu thereof “September 30, 1996”.

23 (c) YEARS OF SERVICE FOR MANDATORY TRANSFER  
24 TO THE RETIRED RESERVE.—Section 1016(d) of the De-  
25 partment of Defense Authorization Act, 1984 (10 U.S.C.

1 3360) is amended by striking out “September 30, 1995”  
2 and inserting in lieu thereof “September 30, 1996”.

3 **SEC. 507. RESTRICTIONS ON WEARING INSIGNIA FOR HIGH-**  
4 **ER GRADE BEFORE PROMOTION.**

5 (a) ACTIVE-DUTY LIST.—(1) Subchapter II of chap-  
6 ter 36 of title 10, United States Code, is amended by in-  
7 serting after section 624 the following:

8 **“§ 624a. Restrictions on frocking**

9 “(a) RESTRICTIONS.—An officer may not be frocked  
10 to a grade unless—

11 “(1) the Senate has confirmed by advice and  
12 consent a nomination of the officer for promotion to  
13 that grade; and

14 “(2) the officer is serving in, or has been or-  
15 dered to, a position for which that grade is author-  
16 ized.

17 “(b) BENEFITS NOT TO ACCRUE.—(1) An officer  
18 frocked to a grade may not, on the basis of the frocking—

19 “(A) be paid the rate of pay provided for an of-  
20 ficer in that grade having the same number of years  
21 of service as the frocked officer; or

22 “(B) assume any legal authority associated with  
23 that grade.

1       “(2) The period for which an officer is frocked to a  
2 grade may not be taken into account for any of the follow-  
3 ing purposes:

4               “(A) Seniority in that grade.

5               “(B) Time of service in that grade.

6       “(c) NUMBERS OF ACTIVE-DUTY LIST OFFICERS  
7 FROCKED TO GRADE O-7.—The number of officers on the  
8 active-duty list who are authorized by frocking to wear the  
9 insignia for the grade of brigadier general or, in the Navy,  
10 rear admiral (lower half) may not exceed 35.

11       “(d) NUMBERS OF ACTIVE-DUTY LIST OFFICERS  
12 FROCKED TO GRADES O-4, O-5, AND O-6.—The number  
13 of officers of an armed force on the active-duty list who  
14 are authorized by frocking to wear the insignia for a grade  
15 to which a limitation on total number applies under sec-  
16 tion 523(a) of this title for a fiscal year may not exceed  
17 one percent of the total number provided for the officers  
18 in that grade in that armed force in the administration  
19 of the limitation under such section 523(a) for such fiscal  
20 year.

21       “(e) DEFINITION.—In this section, the term ‘frock’,  
22 with respect to an officer, means to authorize the officer  
23 to wear the insignia of a higher grade before being pro-  
24 moted to that grade.”.

1       (2) The table of sections at the beginning of sub-  
2 chapter II of chapter 36 of such title is amended by insert-  
3 ing after the item relating to section 624 the following:

“624a. Restrictions on frocking.”.

4       (b) TEMPORARY VARIATION OF LIMITATIONS ON  
5 NUMBERS OF FROCKED OFFICERS.—(1) In the adminis-  
6 tration of section 624a(c) of title 10, United States Code  
7 (as added by subsection (a)), for fiscal years 1996 and  
8 1997, the maximum number applicable to officers on the  
9 active-duty list who are authorized by frocking to wear the  
10 insignia for the grade of brigadier general or, in the Navy,  
11 rear admiral (lower half) is as follows:

12           (A) During fiscal year 1996, 75 officers.

13           (B) During fiscal year 1997, 55 officers.

14       (2) In the administration of section 624a(d) of title  
15 10, United States Code (as added by subsection (a)), for  
16 fiscal year 1996, the percent limitation applied under that  
17 section shall be two percent instead of one percent.

18       (c) DEFINITION.—In this section, the term ‘frock’,  
19 with respect to an officer, means to authorize the officer  
20 to wear the insignia of a higher grade before being pro-  
21 moted to that grade.

1 **SEC. 508. DIRECTOR OF ADMISSIONS, UNITED STATES**  
2 **MILITARY ACADEMY: RETIREMENT FOR**  
3 **YEARS OF SERVICE.**

4 (a) **AUTHORITY TO DIRECT RETIREMENT.**—Section  
5 3920 of title 10, United States Code, is amended to read  
6 as follows:

7 **“§ 3920. More than thirty years: permanent profes-**  
8 **sors and the Director of Admissions of**  
9 **United States Military Academy**

10 “(a) **AUTHORITY TO DIRECT RETIREMENT.**—The  
11 Secretary of the Army may retire any of the personnel  
12 of the United States Military Academy described in sub-  
13 section (b) who has more than 30 years of service as a  
14 commissioned officer.

15 “(b) **APPLICABILITY.**—The authority under sub-  
16 section (a) may be exercised in the case of the following  
17 personnel:

18 “(1) A permanent professor.

19 “(2) The Director of Admissions.”.

20 (b) **CLERICAL AMENDMENT.**—The item relating to  
21 such section in the table of sections at the beginning of  
22 chapter 367 of such title is amended to read as follows:

“3920. More than thirty years: permanent professors and the Director of Admissions of United States Military Academy.”.

1       **Subtitle B—Matters Relating to**  
 2                   **Reserve Components**

3       **SEC. 511. MOBILIZATION INCOME INSURANCE PROGRAM**  
 4                   **FOR MEMBERS OF READY RESERVE.**

5           (a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E  
 6 of title 10, United States Code, is amended by inserting  
 7 after chapter 1213 the following new chapter:

8                   **“CHAPTER 1214—READY RESERVE**  
 9                                   **INCOME INSURANCE**

“Sec.

“12521. Definitions.

“12522. Establishment of insurance program.

“12523. Risk insured.

“12524. Enrollment and election of benefits.

“12525. Benefit amounts.

“12526. Premiums.

“12527. Payment of premiums.

“12528. Department of Defense Ready Reserve Income Insurance Fund.

“12529. Board of Actuaries.

“12530. Payment of benefits.

“12531. Purchase of insurance.

“12532. Termination for nonpayment of premiums; forfeiture.

10       **“§ 12521. Definitions**

11           “In this chapter:

12                   “(1) The term ‘insurance program’ means the  
 13           Department of Defense Ready Reserve Income In-  
 14           surance Program established under section 12522 of  
 15           this title.

16                   “(2) The term ‘covered service’ means active  
 17           duty performed by a member of a reserve component  
 18           under an order to active duty for a period of more

1 than 30 days which specifies that the member's serv-  
2 ice—

3 “(A) is in support of an operational mis-  
4 sion for which members of the reserve compo-  
5 nents have been ordered to active duty without  
6 their consent; or

7 “(B) is in support of forces activated dur-  
8 ing a period of war declared by Congress or a  
9 period of national emergency declared by the  
10 President or Congress.

11 “(3) The term ‘insured member’ means a mem-  
12 ber of the Ready Reserve who is enrolled for cov-  
13 erage under the insurance program in accordance  
14 with section 12524 of this title.

15 “(4) The term ‘Secretary’ means the Secretary  
16 of Defense.

17 “(5) The term ‘Department’ means the Depart-  
18 ment of Defense.

19 “(6) The term ‘Board of Actuaries’ means the  
20 Department of Defense Education Benefits Board of  
21 Actuaries referred to in section 2006(e)(1) of this  
22 title.

23 “(7) The term ‘Fund’ means the Department of  
24 Defense Ready Reserve Income Insurance Fund es-  
25 tablished by section 12528(a) of this title.

1 **“§ 12522. Establishment of insurance program**

2       “(a) ESTABLISHMENT.—The Secretary shall estab-  
3 lish for members of the Ready Reserve an insurance pro-  
4 gram to be known as the ‘Department of Defense Ready  
5 Reserve Income Insurance Program’.

6       “(b) ADMINISTRATION.—The insurance program  
7 shall be administered by the Secretary. The Secretary may  
8 prescribe in regulations such rules, procedures, and poli-  
9 cies as the Secretary considers necessary or appropriate  
10 to carry out the insurance program.

11 **“§ 12523. Risk insured**

12       “(a) IN GENERAL.—The insurance program shall in-  
13 sure members of the Ready Reserve against the risk of  
14 being ordered into covered service.

15       “(b) ENTITLEMENT TO BENEFITS.—(1) An insured  
16 member ordered into covered service shall be entitled to  
17 payment of a benefit for each month (and fraction thereof)  
18 of covered service that exceeds 30 days of covered service,  
19 except that no member may be paid under the insurance  
20 program for more than 12 months of covered service  
21 served during any period of 18 consecutive months.

22       “(2) Payment shall be based solely on the insured  
23 status of a member and on the period of covered service  
24 served by the member. Proof of loss of income or of ex-  
25 penses incurred as a result of covered service may not be  
26 required.

1 **“§ 12524. Enrollment and election of benefits**

2       “(a) ENROLLMENT.—(1) Except as provided in sub-  
3 section (f), upon first becoming a member of the Ready  
4 Reserve, a member shall be automatically enrolled for cov-  
5 erage under the insurance program. An automatic enroll-  
6 ment of a member shall be void if within 30 days after  
7 first becoming a member of the Ready Reserve the mem-  
8 ber declines insurance under the program in accordance  
9 with the regulations prescribed by the Secretary.

10       “(2) Promptly after the insurance program is estab-  
11 lished, the Secretary shall offer to members of the reserve  
12 components who are then members of the Ready Reserve  
13 (other than members ineligible under subsection (f)) an  
14 opportunity to enroll for coverage under the insurance pro-  
15 gram. A member who fails to enroll within 30 days after  
16 being offered the opportunity shall be considered as having  
17 declined to be insured under the program.

18       “(3) A member of the Ready Reserve ineligible to en-  
19 roll under subsection (f) shall be afforded an opportunity  
20 to enroll upon being released from active duty if the mem-  
21 ber has not previously had the opportunity to be enrolled  
22 under paragraph (1) or (2). A member who fails to enroll  
23 within 30 days after being afforded that opportunity shall  
24 be considered as having declined to be insured under the  
25 program.

1       “(b) ELECTION OF BENEFIT AMOUNT.—The amount  
2 of a member’s monthly benefit under an enrollment shall  
3 be the basic benefit under subsection (a) of section 12525  
4 of this title unless the member elects a different benefit  
5 under subsection (b) of such section within 30 days after  
6 first becoming a member of the Ready Reserve or within  
7 30 days after being offered the opportunity to enroll, as  
8 the case may be.

9       “(c) ELECTIONS IRREVOCABLE.—(1) An election to  
10 decline insurance pursuant to paragraph (1) or (2) of sub-  
11 section (a) is irrevocable.

12       “(2) Subject to subsection (d), the amount of cov-  
13 erage may not be changed after enrollment.

14       “(d) ELECTION TO TERMINATE.—A member may  
15 terminate an enrollment at any time.

16       “(e) INFORMATION TO BE FURNISHED.—The Sec-  
17 retary shall ensure that members referred to in subsection  
18 (a) are given a written explanation of the insurance pro-  
19 gram and are advised that they have the right to decline  
20 to be insured and, if not declined, to elect coverage for  
21 a reduced benefit or an enhanced benefit under subsection  
22 (b).

23       “(f) MEMBERS INELIGIBLE TO ENROLL.—Members  
24 of the Ready Reserve serving on active duty (or full-time  
25 National Guard duty) are not eligible to enroll for cov-

1 erage under the insurance program. The Secretary may  
2 define any additional category of members of the Ready  
3 Reserve to be excluded from eligibility to purchase insur-  
4 ance under this chapter.

5 **“§ 12525. Benefit amounts**

6 “(a) BASIC BENEFIT.—The basic benefit for an in-  
7 sured member under the insurance program is \$1,000 per  
8 month (as adjusted under subsection (d)).

9 “(b) REDUCED AND ENHANCED BENEFITS.—Under  
10 the regulations prescribed by the Secretary, a person en-  
11 rolled for coverage under the insurance program may  
12 elect—

13 “(1) a reduced coverage benefit equal to one-  
14 half the amount of the basic benefit; or

15 “(2) an enhanced benefit in the amount of  
16 \$1,500, \$2,000, \$2,500, \$3,000, \$3,500, \$4,000,  
17 \$4,500, or \$5,000 per month (as adjusted under  
18 subsection (d)).

19 “(c) AMOUNT FOR PARTIAL MONTH.—The amount  
20 of insurance payable to an insured member for any period  
21 of covered service that is less than one month shall be de-  
22 termined by multiplying  $\frac{1}{30}$  of the monthly benefit rate  
23 for the member by the number of days of the covered serv-  
24 ice served by the member during such period.

1       “(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary  
2 shall determine annually the effect of inflation on benefits  
3 and shall adjust the amounts set forth in subsections (a)  
4 and (b)(2) to maintain the constant dollar value of the  
5 benefit.

6       “(2) If the amount of a benefit as adjusted under  
7 paragraph (1) is not evenly divisible by \$10, the amount  
8 shall be rounded to the nearest multiple of \$10, except  
9 that an amount evenly divisible by \$5 but not by \$10 shall  
10 be rounded to the next lower amount that is evenly divis-  
11 ible by \$10.

12       **“§ 12526. Premiums**

13       “(a) ESTABLISHMENT OF RATES.—(1) The Sec-  
14 retary, in consultation with the Board of Actuaries, shall  
15 prescribe the premium rates for insurance under the in-  
16 surance program.

17       “(2) The Secretary shall prescribe a fixed premium  
18 rate for each \$1,000 of monthly insurance benefit. The  
19 premium amount shall be equal to the share of the cost  
20 attributable to insuring the member and shall be the same  
21 for all members of the Ready Reserve who are insured  
22 under the insurance program for the same benefit amount.  
23 The Secretary shall prescribe the rate on the basis of the  
24 best available estimate of risk and financial exposure, lev-  
25 els of subscription by members, and other relevant factors.

1       “(b) LEVEL PREMIUMS.—The premium rate pre-  
2 scribed for the first year of insurance coverage of an in-  
3 sured member shall be continued without change for sub-  
4 sequent years of insurance coverage, except that the Sec-  
5 retary, after consultation with the Board of Actuaries,  
6 may adjust the premium rate in order to fund inflation-  
7 adjusted benefit increases on an actuarially sound basis.

8       **“§ 12527. Payment of premiums**

9       “(a) METHODS OF PAYMENT.—(1) The monthly pre-  
10 mium for coverage of a member under the insurance pro-  
11 gram shall be deducted and withheld from the insured  
12 member’s basic pay for inactive duty training each month.

13       “(2) An insured member who does not receive pay  
14 on a monthly basis shall pay the Secretary directly the  
15 premium amount applicable for the level of benefits for  
16 which the member is insured.

17       “(b) ADVANCE PAY FOR PREMIUM.—The Secretary  
18 concerned may advance to an insured member the amount  
19 equal to the first insurance premium payment due under  
20 this chapter. The advance may be paid out of appropria-  
21 tions for military pay. An advance to a member shall be  
22 collected from the member either by deducting and with-  
23 holding the amount from basic pay payable for the mem-  
24 ber or by collecting it from the member directly. No dis-

1 bursing or certifying officer shall be responsible for any  
2 loss resulting from an advance under this subsection.

3 “(c) PREMIUMS TO BE DEPOSITED IN FUND.—Pre-  
4 mium amounts deducted and withheld from the basic pay  
5 of insured members and premium amounts paid directly  
6 to the Secretary shall be credited to the Fund.

7 **“§ 12528. Department of Defense Ready Reserve In-**  
8 **come Insurance Fund**

9 “(a) ESTABLISHMENT.—There is established on the  
10 books of the Treasury a fund to be known as the ‘Depart-  
11 ment of Defense Ready Reserve Income Insurance Fund’,  
12 which shall be administered by the Secretary of the Treas-  
13 ury. The Fund shall be used for the accumulation of funds  
14 in order to finance the liabilities of the insurance program  
15 on an actuarially sound basis.

16 “(b) ASSETS OF FUND.—There shall be deposited  
17 into the Fund the following:

18 “(1) Premiums paid under section 12527 of  
19 this title.

20 “(2) Any amount appropriated to the Fund.

21 “(3) Any return on investment of the assets of  
22 the Fund.

23 “(c) AVAILABILITY.—Amounts in the Fund shall be  
24 available for paying insurance benefits under the insur-  
25 ance program.

1       “(d) INVESTMENT OF ASSETS OF FUND.—The Sec-  
2 retary of the Treasury shall invest such portion of the  
3 Fund as is not in the judgment of the Secretary of De-  
4 fense required to meet current liabilities. Such investments  
5 shall be in public debt securities with maturities suitable  
6 to the needs of the Fund, as determined by the Secretary  
7 of Defense, and bearing interest at rates determined by  
8 the Secretary of the Treasury, taking into consideration  
9 current market yields on outstanding marketable obliga-  
10 tions of the United States of comparable maturities. The  
11 income on such investments shall be credited to the Fund.

12       “(e) ANNUAL ACCOUNTING.—At the beginning of  
13 each fiscal year, the Secretary, in consultation with the  
14 Board of Actuaries and the Secretary of the Treasury,  
15 shall determine the following:

16               “(1) The projected amount of the premiums to  
17 be collected, investment earnings to be received, and  
18 any transfers or appropriations to be made for the  
19 Fund for that fiscal year.

20               “(2) The amount for that fiscal year of any cu-  
21 mulative unfunded liability (including any negative  
22 amount or any gain to the Fund) resulting from  
23 payments of benefits.

1           “(3) The amount for that fiscal year (including  
2           any negative amount) of any cumulative actuarial  
3           gain or loss to the Fund.

4   **“§ 12529. Board of Actuaries**

5           “(a) ACTUARIAL RESPONSIBILITY.—The Board of  
6   Actuaries shall have the actuarial responsibility for the in-  
7   surance program.

8           “(b) VALUATIONS AND PREMIUM RECOMMENDA-  
9   TIONS.—The Board of Actuaries shall carry out periodic  
10   actuarial valuations of the benefits under the insurance  
11   program and determine a premium rate methodology for  
12   the Secretary to use in setting premium rates for the in-  
13   surance program. The Board shall conduct the first valu-  
14   ation and determine a premium rate methodology not later  
15   than six months after the insurance program is estab-  
16   lished.

17           “(c) EFFECTS OF CHANGED BENEFITS.—If at the  
18   time of any actuarial valuation under subsection (b) there  
19   has been a change in benefits under the insurance pro-  
20   gram that has been made since the last such valuation  
21   and such change in benefits increases or decreases the  
22   present value of amounts payable from the Fund, the  
23   Board of Actuaries shall determine a premium rate meth-  
24   odology, and recommend to the Secretary a premium  
25   schedule, for the liquidation of any liability (or actuarial

1 gain to the Fund) resulting from such change and any  
2 previous such changes so that the present value of the sum  
3 of the scheduled premium payments (or reduction in pay-  
4 ments that would otherwise be made) equals the cumu-  
5 lative increase (or decrease) in the present value of such  
6 benefits.

7       “(d) ACTUARIAL GAINS OR LOSSES.—If at the time  
8 of any such valuation the Board of Actuaries determines  
9 that there has been an actuarial gain or loss to the Fund  
10 as a result of changes in actuarial assumptions since the  
11 last valuation or as a result of any differences, between  
12 actual and expected experience since the last valuation, the  
13 Board shall recommend to the Secretary a premium rate  
14 schedule for the amortization of the cumulative gain or  
15 loss to the Fund resulting from such changes in assump-  
16 tions and any previous such changes in assumptions or  
17 from the differences in actual and expected experience, re-  
18 spectively, through an increase or decrease in the pay-  
19 ments that would otherwise be made to the Fund.

20       “(e) INSUFFICIENT ASSETS.—If at any time liabil-  
21 ities of the Fund exceed assets of the Fund as a result  
22 of members of the Ready Reserve being ordered to active  
23 duty as described in section 12521(2) of this title, and  
24 funds are unavailable to pay benefits completely, the Sec-  
25 retary shall request the President to submit to Congress

1 a request for a special appropriation to cover the unfunded  
2 liability. If appropriations are not made to cover an un-  
3 funded liability in any fiscal year, the Secretary shall re-  
4 duce the amount of the benefits paid under the insurance  
5 program to a total amount that does not exceed the assets  
6 of the Fund expected to accrue by the end of such fiscal  
7 year. Benefits that cannot be paid because of such a re-  
8 duction shall be deferred and may be paid only after and  
9 to the extent that additional funds become available.

10 “(f) DEFINITION OF PRESENT VALUE.—The Board  
11 of Actuaries shall define the term ‘present value’ for pur-  
12 poses of this subsection.

13 **“§ 12530. Payment of benefits**

14 “(a) COMMENCEMENT OF PAYMENT.—An insured  
15 member who serves in excess of 30 days of covered service  
16 shall be paid the amount to which such member is entitled  
17 on a monthly basis beginning not later than one month  
18 after the 30th day of covered service.

19 “(b) METHOD OF PAYMENT.—The Secretary shall  
20 prescribe in the regulations the manner in which payments  
21 shall be made to the member or to a person designated  
22 in accordance with subsection (c).

23 “(c) DESIGNATED RECIPIENTS.—(1) A member may  
24 designate in writing another person (including a spouse,  
25 parent, or other person with an insurable interest, as de-

1 terminated in accordance with the regulations prescribed by  
2 the Secretary) to receive payments of insurance benefits  
3 under the insurance program.

4 “(2) A member may direct that payments of insur-  
5 ance benefits for a person designated under paragraph (1)  
6 be deposited with a bank or other financial institution to  
7 the credit of the designated person.

8 “(d) RECIPIENTS IN EVENT OF DEATH OF INSURED  
9 MEMBER.—Any insurance payable under the insurance  
10 program on account of a deceased member’s period of cov-  
11 ered service shall be paid, upon the establishment of a  
12 valid claim, to the beneficiary or beneficiaries which the  
13 deceased member designated in writing. If no such des-  
14 igation has been made, the amount shall be payable in  
15 accordance with the laws of the State of the member’s  
16 domicile.

17 **“§ 12531. Purchase of insurance**

18 “(a) PURCHASE AUTHORIZED.—The Secretary may,  
19 instead of or in addition to underwriting the insurance  
20 program through the Fund, purchase from one or more  
21 insurance companies a policy or policies of group insur-  
22 ance in order to provide the benefits required under this  
23 chapter. The Secretary may waive any requirement for full  
24 and open competition in order to purchase an insurance  
25 policy under this subsection.

1       “(b) ELIGIBLE INSURERS.—In order to be eligible to  
2 sell insurance to the Secretary for purposes of subsection  
3 (a), an insurance company shall—

4           “(1) be licensed to issue insurance in each of  
5 the 50 States and in the District of Columbia; and

6           “(2) as of the most recent December 31 for  
7 which information is available to the Secretary, have  
8 in effect at least one percent of the total amount of  
9 insurance that all such insurance companies have in  
10 effect in the United States.

11       “(c) ADMINISTRATIVE PROVISIONS.—(1) An insur-  
12 ance company that issues a policy for purposes of sub-  
13 section (a) shall establish an administrative office at a  
14 place and under a name designated by the Secretary.

15       “(2) For the purposes of carrying out this chapter,  
16 the Secretary may use the facilities and services of any  
17 insurance company issuing any policy for purposes of sub-  
18 section (a), may designate one such company as the rep-  
19 resentative of the other companies for such purposes, and  
20 may contract to pay a reasonable fee to the designated  
21 company for its services.

22       “(d) REINSURANCE.—The Secretary shall arrange  
23 with each insurance company issuing any policy for pur-  
24 poses of subsection (a) to reinsure, under conditions ap-  
25 proved by the Secretary, portions of the total amount of

1 the insurance under such policy or policies with such other  
 2 insurance companies (which meet qualifying criteria pre-  
 3 scribed by the Secretary) as may elect to participate in  
 4 such reinsurance.

5 “(e) TERMINATION.—The Secretary may at any time  
 6 terminate any policy purchased under this section.

7 **“§ 12532. Termination for nonpayment of premiums;  
 8 forfeiture**

9 “(a) TERMINATION FOR NONPAYMENT.—The cov-  
 10 erage of a member under the insurance program shall ter-  
 11 minate without prior notice upon a failure of the member  
 12 to make required monthly payments of premiums for two  
 13 consecutive months. The Secretary may provide in the reg-  
 14 ulations for reinstatement of insurance coverage termi-  
 15 nated under this subsection.

16 “(b) FORFEITURE.—Any person convicted of mutiny,  
 17 treason, spying, or desertion, or who refuses to perform  
 18 service in the armed forces or refuses to wear the uniform  
 19 of any of the armed forces shall forfeit all rights to insur-  
 20 ance under this chapter.”.

21 (2) The tables of chapters at the beginning of subtitle  
 22 E, and at the beginning of part II of subtitle E, of title  
 23 10, United States Code, are amended by inserting after  
 24 the item relating to chapter 1213 the following new item:

“1214. Ready Reserve Income Insurance ..... 12521”.

1 (b) EFFECTIVE DATE.—The insurance program pro-  
 2 vided for in chapter 1214 of title 10, United States Code,  
 3 as added by subsection (a), and the requirement for deduc-  
 4 tions and contributions for that program shall take effect  
 5 on September 30, 1996, or on any earlier date declared  
 6 by the Secretary and published in the Federal Register.

7 **SEC. 512. ELIGIBILITY OF DENTISTS TO RECEIVE ASSIST-**  
 8 **ANCE UNDER THE FINANCIAL ASSISTANCE**  
 9 **PROGRAM FOR HEALTH CARE PROFES-**  
 10 **SIONALS IN RESERVE COMPONENTS.**

11 Section 16201(b) of title 10, United States Code, is  
 12 amended—

13 (1) by striking out “(b) PHYSICIANS IN CRITI-  
 14 CAL SPECIALTIES.—” and inserting in lieu thereof  
 15 “(b) PHYSICIANS AND DENTISTS IN CRITICAL SPE-  
 16 CIALTIES.—”;

17 (2) in paragraph (1)—

18 (A) by inserting “or dental school” in sub-  
 19 paragraph (A) after “medical school”;

20 (B) by inserting “or as a dental officer” in  
 21 subparagraph (B) after “medical officer”; and

22 (C) by striking out “physicians in a medi-  
 23 cal specialty designated” and inserting in lieu  
 24 thereof “physicians or dentists in a medical spe-

1           cialty or dental specialty, respectively, that is  
2           designated”; and

3           (3) in paragraph (2)(B), by inserting “or dental  
4           officer” after “medical officer”.

5   **SEC. 513. LEAVE FOR MEMBERS OF RESERVE COMPO-**  
6                           **NENTS PERFORMING PUBLIC SAFETY DUTY.**

7           (a) ELECTION OF LEAVE TO BE CHARGED.—Sub-  
8           section (b) of section 6323 of title 5, United States Code,  
9           is amended by adding at the end the following: “Upon the  
10          request of an employee, the period for which an employee  
11          is absent to perform service described in paragraph (2)  
12          may be charged to the employee’s accrued annual leave  
13          or to compensatory time available to the employee instead  
14          of being charged as leave to which the employee is entitled  
15          under this subsection. The period of absence may not be  
16          charged to sick leave.”.

17          (b) PAY FOR PERIOD OF ABSENCE.—Section 5519  
18          of such title is amended by striking out “entitled to leave”  
19          and inserting in lieu thereof “granted military leave”.

20                   **Subtitle C—Uniform Code of**  
21                   **Military Justice**

22   **SEC. 521. REFERENCES TO UNIFORM CODE OF MILITARY**  
23                           **JUSTICE.**

24          Except as otherwise expressly provided, whenever in  
25          this subtitle an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
2 sion, the reference shall be considered to be made to a  
3 section or other provision of chapter 47 of title 10, United  
4 States Code (the Uniform Code of Military Justice).

5 **SEC. 522. DEFINITIONS.**

6 Section 801 (article 1) is amended by inserting after  
7 paragraph (14) the following new paragraphs:

8 “(15) The term ‘classified information’ means  
9 any information or material that has been deter-  
10 mined by an official of the United States pursuant  
11 to law, an Executive order, or regulation to require  
12 protection against unauthorized disclosure for rea-  
13 sons of national security, and any restricted data, as  
14 defined in section 11(y) of the Atomic Energy Act  
15 of 1954 (42 U.S.C. 2014(y)).

16 “(16) The term ‘national security’ means the  
17 national defense and foreign relations of the United  
18 States.”.

19 **SEC. 523. ARTICLE 32 INVESTIGATIONS.**

20 Section 832 (article 32) is amended—

21 (1) by redesignating subsection (d) as sub-  
22 section (e); and

23 (2) by inserting after subsection (c) the follow-  
24 ing new subsection (d):

1       “(d) If evidence adduced in an investigation under  
2 this article indicates that the accused committed an un-  
3 charged offense, the investigating officer is authorized to  
4 investigate the subject matter of such offense without the  
5 accused having first been charged with the offense. If the  
6 accused was present at such investigation, was informed  
7 of the nature of each uncharged offense investigated, and  
8 was afforded the opportunities for representation, cross-  
9 examination, and presentation prescribed in subsection  
10 (b), no further investigation of such offense or offenses  
11 is necessary under this article.”.

12 **SEC. 524. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.**

13       Section 847(b) (article 47(b)) is amended—

14             (1) by inserting “indictment or” in the first  
15 sentence after “shall be tried on”; and

16             (2) in the second sentence, by striking out  
17 “shall be” and all that follows and inserting in lieu  
18 thereof “shall be fined or imprisoned, or both, at the  
19 court’s discretion.”.

20 **SEC. 525. COMMITMENT OF ACCUSED TO TREATMENT FA-**  
21 **CILITY BY REASON OF LACK OF MENTAL CA-**  
22 **PACITY OR MENTAL RESPONSIBILITY.**

23       (a) **APPLICABLE PROCEDURES.**—(1) Chapter 47 is  
24 amended by inserting after section 850a (article 50a) the  
25 following:

1 **“§ 850b. Art. 50b. Lack of mental capacity or mental**  
2 **responsibility: commitment of accused**  
3 **for examination and treatment**

4 “(a) PERSONS INCOMPETENT TO STAND TRIAL.—

5 (1) In the case of a person determined under this chapter  
6 to be presently suffering from a mental disease or defect  
7 rendering the person mentally incompetent to the extent  
8 that the person is unable to understand the nature of the  
9 proceedings against that person or to conduct or cooperate  
10 intelligently in the defense of the case, the general court-  
11 martial convening authority for that person shall commit  
12 the person to the custody of the Attorney General.

13 “(2) The Attorney General shall take action in ac-  
14 cordance with section 4241(d) of title 18.

15 “(3) If at the end of the period for hospitalization  
16 provided for in section 4241(d) of title 18, it is determined  
17 that the committed person’s mental condition has not so  
18 improved as to permit the trial to proceed, action shall  
19 be taken in accordance with section 4246 of such title.

20 “(4)(A) When the director of a facility in which a  
21 person is hospitalized pursuant to paragraph (2) deter-  
22 mines that the person has recovered to such an extent that  
23 the person is able to understand the nature of the proceed-  
24 ings against the person and to conduct or cooperate intel-  
25 ligently in the defense of the case, the director shall  
26 promptly transmit a notification of that determination to

1 the Attorney General and to the general court-martial con-  
2 vening authority for the person. The director shall send  
3 a copy of the notification to the person's counsel.

4       “(B) Upon receipt of a notification, the general court-  
5 martial convening authority shall promptly take custody  
6 of the person unless the person covered by the notification  
7 is no longer subject to this chapter. If the person is no  
8 longer subject to this chapter, the Attorney General shall  
9 take any action within the authority of the Attorney Gen-  
10 eral that the Attorney General considers appropriate re-  
11 garding the person.

12       “(C) The director of the facility may retain custody  
13 of the person for not more than 30 days after transmitting  
14 the notifications required by subparagraph (A).

15       “(5) In the application of section 4246 of title 18 to  
16 a case under this subsection, references to the court that  
17 ordered the commitment of a person, and to the clerk of  
18 such court, shall be deemed to refer to the general court-  
19 martial convening authority for that person. However, if  
20 the person is no longer subject to this chapter at a time  
21 relevant to the application of such section to the person,  
22 the United States district court for the district where the  
23 person is hospitalized or otherwise may be found shall be  
24 considered as the court that ordered the commitment of  
25 the person.

1       “(b) PERSONS FOUND NOT GUILTY BY REASON OF  
2 LACK OF MENTAL RESPONSIBILITY.—(1) If a person is  
3 found by a court-martial not guilty only by reason of lack  
4 of mental responsibility, the person shall be committed to  
5 a suitable facility until the person is eligible for release  
6 in accordance with this section.

7       “(2) The court-martial shall conduct a hearing on the  
8 mental condition in accordance with subsection (c) of sec-  
9 tion 4243 of title 18. Subsections (b) and (d) of that sec-  
10 tion shall apply with respect to the hearing.

11       “(3) A report of the results of the hearing shall be  
12 made to the general court-martial convening authority for  
13 the person.

14       “(4) If the court-martial fails to find by the standard  
15 specified in subsection (d) of section 4243 of title 18 that  
16 the person’s release would not create a substantial risk  
17 of bodily injury to another person or serious damage of  
18 property of another due to a present mental disease or  
19 defect—

20               “(A) the general court-martial convening au-  
21 thority may commit the person to the custody of the  
22 Attorney General; and

23               “(B) the Attorney General shall take action in  
24 accordance with subsection (e) of section 4243 of  
25 title 18.

1       “(5) Subsections (f), (g), and (h) of section 4243 of  
2 title 18 shall apply in the case of a person hospitalized  
3 pursuant to paragraph (4)(B), except that the United  
4 States district court for the district where the person is  
5 hospitalized shall be considered as the court that ordered  
6 the person’s commitment.

7       “(c) GENERAL PROVISIONS.—(1) Except as other-  
8 wise provided in this subsection and subsection (d)(1), the  
9 provisions of section 4247 of title 18 apply in the adminis-  
10 tration of this section.

11       “(2) In the application of section 4247(d) of title 18  
12 to hearings conducted by a court-martial under this sec-  
13 tion or by (or by order of) a general court-martial conven-  
14 ing authority under this section, the reference in that sec-  
15 tion to section 3006A of such title does not apply.

16       “(d) APPLICABILITY.—(1) The provisions of chapter  
17 313 of title 18 referred to in this section apply according  
18 to the provisions of this section notwithstanding section  
19 4247(j) of title 18.

20       “(2) If the status of a person as described in section  
21 802 of this title (article 2) terminates while the person  
22 is, pursuant to this section, in the custody of the Attorney  
23 General, hospitalized, or on conditional release under a  
24 prescribed regimen of medical, psychiatric, or psycho-  
25 logical care or treatment, the provisions of this section es-

1 tablishing requirements and procedures regarding a per-  
2 son no longer subject to this chapter shall continue to  
3 apply to that person notwithstanding the change of sta-  
4 tus.”.

5 (2) The table of sections at the beginning of sub-  
6 chapter VII of such chapter is amended by inserting after  
7 the item relating to section 850a (article 50a) the follow-  
8 ing:

“850b. 50b. Lack of mental capacity or mental responsibility: commitment of  
accused for examination and treatment.”.

9 (b) CONFORMING AMENDMENT.—Section 802 of title  
10 10, United States Code (article 2 of the Uniform Code  
11 of Military Justice), is amended by adding at the end the  
12 following:

13 “(e) The provisions of this section are subject to sec-  
14 tion 850b(d)(2) of this title (article 50b(d)(2)).”.

15 (c) EFFECTIVE DATE.—Section 850b of title 10,  
16 United States Code (article 50b of the Uniform Code of  
17 Military Justice), as added by subsection (a), shall take  
18 effect 180 days after the date of the enactment of this  
19 Act and shall apply with respect to charges referred to  
20 courts-martial on or after that effective date.

21 **SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND RE-**  
22 **DUCTION IN GRADE.**

23 (a) EFFECTIVE DATE OF PUNISHMENTS.—Section  
24 857(a) (article 57(a)) is amended to read as follows:

1       “(a)(1) Any forfeiture of pay, forfeiture of allow-  
2 ances, or reduction in grade included in a sentence of a  
3 court-martial takes effect on the earlier of—

4               “(A) the date that is 14 days after the date on  
5 which the sentence is adjudged; or

6               “(B) the date on which the sentence is ap-  
7 proved by the convening authority.

8       “(2) On application by an accused, the convening au-  
9 thority may defer any forfeiture of pay, forfeiture of allow-  
10 ances, or reduction in grade that would otherwise become  
11 effective under paragraph (1)(A) until the date on which  
12 the sentence is approved by the convening authority. The  
13 deferment may be rescinded at any time by the convening  
14 authority.

15       “(3) A forfeiture of pay or allowances shall be col-  
16 lected from pay accruing on and after the date on which  
17 the sentence takes effect under paragraph (1). Periods  
18 during which a sentence to forfeiture of pay or forfeiture  
19 of allowances is suspended or deferred shall be excluded  
20 in computing the duration of the forfeiture.

21       “(4) In this subsection, the term ‘convening author-  
22 ity’, with respect to a sentence of a court-martial, means  
23 any person authorized to act on the sentence under section  
24 860 of this title (article 60).”.

1 (b) EFFECT OF PUNITIVE SEPARATION OR CONFINE-  
2 MENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII  
3 is amended by inserting after section 858a (article 58a)  
4 the following new section (article):

5 **“§858b. Art. 58b. Sentences: forfeiture of pay and al-**  
6 **lowances**

7 “(a) A sentence adjudged by a court-martial that in-  
8 cludes confinement for one year or more, death, dishonor-  
9 able discharge, bad-conduct discharge, or dismissal shall  
10 result in the forfeiture of all pay and allowances due that  
11 member during any period of confinement or parole. The  
12 forfeiture required by this section shall take effect on the  
13 date determined under section 857(a) of this title (article  
14 57(a)) and may be deferred in accordance with that sec-  
15 tion.

16 “(b) In a case involving an accused who has depend-  
17 ents, the convening authority or other person acting under  
18 section 860 of this title (article 60) may waive any or all  
19 of the forfeitures of pay and allowances required by sub-  
20 section (a) for a period not to exceed six months. Any  
21 amount of pay or allowances that, except for a waiver  
22 under this subsection, would be forfeited shall be paid, as  
23 the convening authority or other person taking action di-  
24 rects, to the dependents of the accused.

1       “(c) If the sentence of a member who forfeits pay  
2 and allowances under subsection (a) is set aside or dis-  
3 approved or, as finally approved, does not provide for a  
4 punishment referred to in subsection (a), the member shall  
5 be paid the pay and allowances which the member would  
6 have been paid, except for the forfeiture, for the period  
7 during which the forfeiture was in effect.”.

8       (2) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of subchapter VIII of such chapter is  
10 amended by adding at the end the following new item:

“858b. 58b. Sentences: forfeiture of pay and allowances.”.

11       (c) APPLICABILITY.—The amendments made by this  
12 section shall apply to a case in which a sentence is ad-  
13 judged by a court-martial on or after the first day of the  
14 first month that begins at least 30 days after the date  
15 of the enactment of this Act.

16 **SEC. 527. DEFERMENT OF CONFINEMENT.**

17       Section 857 (article 57) is amended by striking out  
18 subsection (e) and inserting in lieu thereof the following:

19       “(e)(1) When an accused in the custody of a State  
20 or foreign country is returned temporarily to military au-  
21 thorities for trial by court-martial and is later returned  
22 to that State or foreign country under the authority of  
23 a mutual agreement or treaty, the convening authority of  
24 the court-martial may defer the service of the sentence to  
25 confinement without the consent of the accused. The

1 deferment shall terminate when the accused is released  
2 permanently to military authorities by the State or foreign  
3 country having custody of the accused.

4 “(2) In this subsection, the term ‘State’ includes the  
5 District of Columbia and any commonwealth, territory, or  
6 possession of the United States.

7 “(f) While a review of a case under section 867(a)(2)  
8 of this title (article 67(a)(2)) is pending, the Secretary  
9 concerned or, when designated by the Secretary, an Under  
10 Secretary, an Assistant Secretary, the Judge Advocate  
11 General, or a commanding officer may defer further serv-  
12 ice of a sentence to confinement which has been ordered  
13 executed in such case.”.

14 **SEC. 528. SUBMISSION OF MATTERS TO THE CONVENING**  
15 **AUTHORITY FOR CONSIDERATION.**

16 Section 860(b)(1) (article 60(b)(1)) is amended by  
17 inserting after the first sentence the following: “Any such  
18 submission shall be in writing.”.

19 **SEC. 529. PROCEEDINGS IN REVISION.**

20 Section 860(e)(2) (article 60(e)(2)) is amended by  
21 striking out the first sentence and inserting in lieu thereof  
22 the following: “A proceeding in revision may be ordered  
23 before authentication of the record of trial in order to cor-  
24 rect a clerical mistake in a judgment, order, or other part

1 of the record or any error in the record arising from over-  
2 sight or omission.”.

3 **SEC. 530. APPEAL BY THE UNITED STATES.**

4 Section 862(a)(1) (article 62(a)(1)) is amended to  
5 read as follows:

6 “(a)(1)(A) In a trial by court-martial in which a mili-  
7 tary judge presides and in which a punitive discharge may  
8 be adjudged, the United States may appeal the following:

9 “(i) An order or ruling of the military judge  
10 which terminates the proceedings with respect to a  
11 charge or specification.

12 “(ii) An order or ruling which excludes evidence  
13 that is substantial proof of a fact material in the  
14 proceeding.

15 “(iii) An order or ruling which directs the dis-  
16 closure of classified information.

17 “(iv) An order or ruling which imposes sanc-  
18 tions for nondisclosure of classified information.

19 “(v) A refusal of the military judge to issue a  
20 protective order sought by the United States to pre-  
21 vent the disclosure of classified information.

22 “(vi) A refusal by the military judge to enforce  
23 an order described in clause (v) that has previously  
24 been issued by appropriate authority.

1 “(B) The United States may not appeal an order or  
2 ruling that is or that amounts to, a finding of not guilty  
3 with respect to the charge or specification.”.

4 **SEC. 531. FLIGHT FROM APPREHENSION.**

5 (a) IN GENERAL.—Section 895 (article 95) is amend-  
6 ed to read as follows:

7 **“§ 895. Art. 95. Resistance, flight, breach of arrest,  
8 and escape**

9 “Any person subject to this chapter who—

10 “(1) resists apprehension;

11 “(2) flees from apprehension;

12 “(3) breaks arrest; or

13 “(4) escapes from custody or confinement;

14 shall be punished as a court-martial may direct.”.

15 (b) CLERICAL AMENDMENT.—The item relating to  
16 section 895 (article 95) in the table of sections at the be-  
17 ginning of subchapter X is amended to read as follows:

“895. Art. 95. Resistance, flight, breach of arrest, and escape.”.

18 **SEC. 532. CARNAL KNOWLEDGE.**

19 (a) GENDER NEUTRALITY.—Subsection (b) of section  
20 920 (article 120) is amended to read as follows:

21 “(b) Any person subject to this chapter who, under  
22 circumstances not amounting to rape, commits an act of  
23 sexual intercourse with a person—

24 “(1) who is not that person’s spouse; and

1           “(2) who has not attained the age of sixteen  
2       years;  
3 is guilty of carnal knowledge and shall be punished as a  
4 court-martial may direct.”.

5       (b) MISTAKE OF FACT.—Such section (article) is fur-  
6 ther amended by adding at the end the following new sub-  
7 section:

8       “(d)(1) In a prosecution under subsection (b), it is  
9 an affirmative defense that—

10           “(A) the person with whom the accused com-  
11 mitted the act of sexual intercourse had at the time  
12 of the alleged offense attained the age of twelve  
13 years; and

14           “(B) the accused reasonably believed that that  
15 person had at the time of the alleged offense at-  
16 tained the age of sixteen years.

17       “(2) The accused has the burden of proving a defense  
18 under paragraph (1) by a preponderance of the evidence.”.

19 **SEC. 533. TIME AFTER ACCESSION FOR INITIAL INSTRUC-**  
20 **TION IN THE UNIFORM CODE OF MILITARY**  
21 **JUSTICE.**

22       Section 937(a)(1) (article 137(a)(1)) is amended by  
23 striking out “within six days” and inserting in lieu thereof  
24 “within fourteen days”.

1 **SEC. 534. TECHNICAL AMENDMENT.**

2 Section 866(f) (article 66(f)) is amended by striking  
3 out “Courts of Military Review” both places it appears  
4 and inserting in lieu thereof “Courts of Criminal Ap-  
5 peals”.

6 **SEC. 535. PERMANENT AUTHORITY CONCERNING TEM-**  
7 **PORARY VACANCIES ON THE COURT OF AP-**  
8 **PEALS FOR THE ARMED FORCES.**

9 Section 1301 of the National Defense Authorization  
10 Act for Fiscal Years 1990 and 1991 (Public Law 101-  
11 189; 103 Stat. 1569; 10 U.S.C. 942 note) is amended by  
12 striking out subsection (i).

13 **SEC. 536. ADVISORY PANEL ON UCMJ JURISDICTION OVER**  
14 **CIVILIANS ACCOMPANYING THE ARMED**  
15 **FORCES IN TIME OF ARMED CONFLICT.**

16 (a) ESTABLISHMENT.—Not later than December 15,  
17 1996, the Secretary of Defense and the Attorney General  
18 shall jointly establish an advisory panel to review and  
19 make recommendations on jurisdiction over civilians ac-  
20 companying the Armed Forces in time of armed conflict.

21 (b) MEMBERSHIP.—The panel shall be composed of  
22 at least 5 individuals, including experts in military law,  
23 international law, and federal civilian criminal law. In  
24 making appointments to the panel, the Secretary and the  
25 Attorney General shall ensure that the members of the

1 panel reflect diverse experiences in the conduct of prosecu-  
2 tion and defense functions.

3 (c) DUTIES.—The panel shall—

4 (1) review historical experiences and current  
5 practices concerning the employment, training, dis-  
6 cipline, and functions of civilians accompanying the  
7 Armed Forces in the field;

8 (2) make specific recommendations (in accord-  
9 ance with subsection (d)) concerning—

10 (A) establishing court-martial jurisdiction  
11 over civilians accompanying the Armed Forces  
12 in the field during time of armed conflict not  
13 involving a war declared by Congress;

14 (B) revisions to the jurisdiction of the Ar-  
15 ticle III courts over such persons; and

16 (C) establishment of Article I courts to ex-  
17 ercise jurisdiction over such persons; and

18 (3) make such additional recommendations (in  
19 accordance with subsection (d)) as the panel consid-  
20 ers appropriate as a result of the review.

21 (d) REPORT.—(1) Not later than December 15,  
22 1996, the advisory panel shall transmit a report on the  
23 findings and recommendations of the panel to the Sec-  
24 retary of Defense and the Attorney General.

1 (2) Not later than January 15, 1997, the Secretary  
2 of Defense and the Attorney General shall jointly transmit  
3 the report of the advisory panel to Congress. The Sec-  
4 retary and the Attorney General may include in the trans-  
5 mittal any joint comments on the report that they con-  
6 sider appropriate, and either such official may include in  
7 the transmittal any separate comments on the report that  
8 such official considers appropriate.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “Article I court” means a court  
11 established under Article I of the Constitution.

12 (2) The term “Article III court” means a court  
13 established under Article III of the Constitution.

14 (f) TERMINATION OF PANEL.—The panel shall termi-  
15 nate 30 days after the date of submission of the report  
16 to the Secretary of Defense and the Attorney General  
17 under subsection (d).

## 18 **Subtitle D—Decorations and** 19 **Awards**

### 20 **SEC. 541. AWARD OF PURPLE HEART TO CERTAIN FORMER** 21 **PRISONERS OF WAR.**

22 (a) AUTHORITY TO MAKE AWARD.—The President  
23 may award the Purple Heart to a person who, while serv-  
24 ing in the Armed Forces of the United States before April  
25 25, 1962—

1 (1) was taken prisoner or held captive—

2 (A) in an action against an enemy of the  
3 United States;

4 (B) in military operations involving conflict  
5 with an opposing foreign force;

6 (C) during service with friendly forces en-  
7 gaged in an armed conflict against an opposing  
8 armed force in which the United States was not  
9 a belligerent party;

10 (D) as the result of an action of any such  
11 enemy or opposing armed force; or

12 (E) as the result of an act of any foreign  
13 hostile force; and

14 (2) was wounded while being taken prisoner or  
15 held captive.

16 (b) STANDARDS.—An award of the Purple Heart may  
17 be made under subsection (a) only in accordance with the  
18 standards in effect on the date of the enactment of this  
19 Act for the award of the Purple Heart to a member of  
20 the Armed Forces who, on or after April 25, 1962, has  
21 been taken prisoner and held captive under circumstances  
22 described in that subsection.

23 (c) EXCEPTION FOR AIDING THE ENEMY.—An award  
24 of a Purple Heart may not be made under this section  
25 to any person convicted by a court of competent jurisdic-

1 tion of rendering assistance to any enemy of the United  
2 States.

3 (d) COVERED WOUNDS.—A wound determined by the  
4 Secretary of Veterans Affairs as being a service-connected  
5 injury arising from being taken prisoner or held captive  
6 under circumstances described in subsection (a) satisfies  
7 the condition set forth in paragraph (2) of that subsection.

8 (e) RELATIONSHIP TO OTHER AUTHORITY TO  
9 AWARD THE PURPLE HEART.—The authority under this  
10 section is in addition to any other authority of the Presi-  
11 dent to award the Purple Heart.

12 **SEC. 542. MERITORIOUS AND VALOROUS SERVICE DURING**  
13 **VIETNAM ERA: REVIEW AND AWARDS.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) The Ia Drang Valley (Pleiku) campaign,  
17 carried out by the Armed Forces of the United  
18 States in the Ia Drang Valley of Vietnam from Octo-  
19 ber 23, 1965, to November 26, 1965, is illustrative  
20 of the many battles which pitted forces of the United  
21 States against North Vietnamese Army regulars and  
22 Viet Cong in vicious fighting in which many mem-  
23 bers of the Armed Forces displayed extraordinary  
24 heroism, sacrifice, and bravery which has not yet

1       been officially recognized through award of appro-  
2       priate decorations.

3           (2) Accounts of these battles published since  
4       the war ended authoritatively document repeated  
5       acts of extraordinary heroism, sacrifice, and bravery  
6       on the part of many members of the Armed Forces  
7       who were engaged in these battles, many of whom  
8       have never been officially recognized for those acts.

9           (3) In some of the battles United States mili-  
10       tary units suffered substantial losses, in some cases  
11       a majority of the strength of the units.

12          (4) The incidence of heavy casualties through-  
13       out the war inhibited the timely collection of com-  
14       prehensive and detailed information to support rec-  
15       ommendations for awards for the acts of heroism,  
16       sacrifice, and bravery performed.

17          (5) Requests to the Secretaries of the military  
18       departments for review of award recommendations  
19       for those acts have been denied because of restric-  
20       tions in law and regulations that require timely fil-  
21       ing of recommendations and documented justifica-  
22       tion.

23          (6) Acts of heroism, sacrifice, and bravery per-  
24       formed in combat by members of the Armed Forces

1 of the United States deserve appropriate and timely  
2 recognition by the people of the United States.

3 (7) It is appropriate to recognize military per-  
4 sonnel for acts of extraordinary heroism, sacrifice, or  
5 bravery that are belatedly, but properly, documented  
6 by persons who witnessed those acts.

7 (b) WAIVER OF RESTRICTIONS ON AWARDS.—(1)  
8 Notwithstanding any other provision of law, the Secretary  
9 of Defense or the Secretary of the military department  
10 concerned may award or upgrade a decoration to any per-  
11 son for an act, an achievement, or service that the person  
12 performed in a campaign while serving on active duty dur-  
13 ing the Vietnam era.

14 (2) Paragraph (1) applies to any decoration (includ-  
15 ing any device in lieu of a decoration) that, during or after  
16 the Vietnam era and before the date of the enactment of  
17 this Act, was authorized by law or under regulations of  
18 the Department of Defense or the military department  
19 concerned to be awarded to a person for an act, an  
20 achievement, or service performed by that person while  
21 serving on active duty.

22 (c) REVIEW OF AWARD RECOMMENDATIONS.—(1)  
23 The Secretary of each military department shall review all  
24 recommendations for awards for acts, achievements, or

1 service described in subsection (b)(1) that have been re-  
2 ceived by the Secretary during the period of the review.

3 (2) The Secretaries shall begin the review within 30  
4 days after the date of the enactment of this Act and shall  
5 complete the review within one year after such date.

6 (3) The Secretary may use the same process for car-  
7 rying out the review as the Secretary uses for reviewing  
8 other recommendations for awarding decorations to mem-  
9 bers of the armed force or armed forces under the Sec-  
10 retary's jurisdiction for acts, achievements, or service.

11 (4)(A) Upon completing the review, the Secretary  
12 shall submit a report on the review to the Committee on  
13 Armed Services of the Senate and the Committee on Na-  
14 tional Security of the House of Representatives.

15 (B) The report shall contain the following informa-  
16 tion on each recommendation for award reviewed:

17 (i) A summary of the recommendation.

18 (ii) The findings resulting from the review.

19 (iii) The final action taken on the recommenda-  
20 tion.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “Vietnam era” has the meaning  
23 given that term in section 101(29) of title 38, Unit-  
24 ed States Code.

1           (2) The term “active duty” has the meaning  
2           given such term in section 101(d)(1) of title 10,  
3           United States Code.

4 **SEC. 543. MILITARY INTELLIGENCE PERSONNEL PRE-**  
5 **VENTED BY SECRECY FROM BEING CONSID-**  
6 **ERED FOR DECORATIONS AND AWARDS.**

7           (a) WAIVER ON RESTRICTIONS OF AWARDS.—(1)  
8           Notwithstanding any other provision of law, the President,  
9           the Secretary of Defense, or the Secretary of the military  
10          department concerned may award a decoration to any per-  
11          son for an act, achievement, or service that the person  
12          performed in carrying out military intelligence duties dur-  
13          ing the period January 1, 1940, through December 31,  
14          1990.

15          (2) Paragraph (1) applies to any decoration (includ-  
16          ing any device in lieu of a decoration) that, during or after  
17          the period described in paragraph (1) and before the date  
18          of the enactment of this Act, was authorized by law or  
19          under the regulations of the Department of Defense or  
20          the military department concerned to be awarded to a per-  
21          son for an act, achievement, or service performed by that  
22          person while serving on active duty.

23          (b) REVIEW OF AWARD RECOMMENDATIONS.—(1)  
24          The Secretary of each military department shall review all  
25          recommendations for awards of decorations for acts,

1 achievements, or service described in subsection (a)(1)  
2 that have been received by the Secretary during the period  
3 of the review.

4 (2) The Secretary shall begin the review within 30  
5 days after the date of the enactment of this Act and shall  
6 complete the review within one year after such date.

7 (3) The Secretary may use the same process for car-  
8 rying out the review as the Secretary uses for reviewing  
9 other recommendations for awarding decorations to mem-  
10 bers of the armed force or armed forces under the Sec-  
11 retary's jurisdiction for acts, achievements, or service.

12 (4) The Secretary may reject a recommendation if the  
13 Secretary determines that there is a justifiable basis for  
14 concluding that the recommendation is specious.

15 (5) The Secretary shall take reasonable actions to  
16 publicize widely the opportunity to recommend awards of  
17 decorations under this section.

18 (6)(A) Upon completing the review, the Secretary  
19 shall submit a report on the review to the Committee on  
20 Armed Services of the Senate and the Committee on Na-  
21 tional Security of the House of Representatives.

22 (B) The report shall contain the following informa-  
23 tion on each recommendation for an award reviewed:

24 (i) A summary of the recommendation.

25 (ii) The findings resulting from the review.

1 (iii) The final action taken on the recommenda-  
2 tion.

3 (iv) Administrative or legislative recommenda-  
4 tions to improve award procedures with respect to  
5 military intelligence personnel.

6 (c) DEFINITION.—In this section, the term “active  
7 duty” has the meaning given such term in section  
8 101(d)(1) of title 10, United States Code.

9 **SEC. 544. REVIEW REGARDING AWARDS OF DISTIN-**  
10 **GUISHED-SERVICE CROSS TO ASIAN-AMERI-**  
11 **CANS AND PACIFIC ISLANDERS FOR CERTAIN**  
12 **WORLD WAR II SERVICE.**

13 (a) REVIEW REQUIRED.—The Secretary of the Army  
14 shall—

15 (1) review the records relating to the award of  
16 the Distinguished-Service Cross to Asian-Americans  
17 and Native American Pacific Islanders for service as  
18 members of the Army during World War II in order  
19 to determine whether the award should be upgraded  
20 to the Medal of Honor; and

21 (2) submit to the President a recommendation  
22 that the President award a Medal of Honor to each  
23 such person for whom the Secretary determines an  
24 upgrade to be appropriate.

1 (b) WAIVER OF TIME LIMITATIONS.—The President  
2 is authorized to award a Medal of Honor to any person  
3 referred to in subsection (a) in accordance with a rec-  
4 ommendation of the Secretary of the Army submitted  
5 under that subsection. The following restrictions do not  
6 apply in the case of any such person:

7 (1) Sections 3744 and 8744 of title 10, United  
8 States Code.

9 (2) Any regulation or other administrative re-  
10 striction on—

11 (A) the time for awarding a Medal of  
12 Honor; or

13 (B) the awarding of a Medal of Honor for  
14 service for which a Distinguished-Service Cross  
15 has been awarded.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “Native American Pacific Is-  
18 lander” means a Native Hawaiian and any other  
19 Native American Pacific Islander within the mean-  
20 ing of the Native American Programs Act of 1974  
21 (42 U.S.C. 2991 et seq.).

22 (2) The term “World War II” has the meaning  
23 given that term in section 101(8) of title 38, United  
24 States Code.

1           **Subtitle E—Other Matters**

2   **SEC. 551. DETERMINATION OF WHEREABOUTS AND STA-**  
 3           **TUS OF MISSING PERSONS.**

4           (a) **PURPOSE.**—The purpose of this section is to en-  
 5   sure that any member of the Armed Forces is accounted  
 6   for by the United States (by the return of such person  
 7   alive, by the return of the remains of such person, or by  
 8   the decision that credible evidence exists to support an-  
 9   other determination of the status of such person) and, as  
 10   a general rule, is not declared dead solely because of the  
 11   passage of time.

12          (b) **IN GENERAL.**—(1) Part II of subtitle A of title  
 13   10, United States Code, is amended by inserting after  
 14   chapter 75 the following new chapter:

15           **“CHAPTER 76—MISSING PERSONS**

“Sec.

“1501. System for accounting for missing persons.

“1502. Missing persons: initial report.

“1503. Actions of Secretary concerned; initial board inquiry.

“1504. Subsequent board of inquiry.

“1505. Further review.

“1506. Personnel files.

“1507. Recommendation of status of death.

“1508. Return alive of person declared missing or dead.

“1509. Effect on State law.

“1510. Definitions.

16   **“§ 1501. System for accounting for missing persons**

17          “(a) **OFFICE FOR MISSING PERSONNEL.**—(1) The  
 18   Secretary of Defense shall establish within the Office of  
 19   the Secretary of Defense an office to have responsibility  
 20   for Department of Defense policy relating to missing per-

1 sons. Subject to the authority, direction, and control of  
2 the Secretary of Defense, the responsibilities of the office  
3 shall include—

4           “(A) policy, control, and oversight within the  
5 Department of Defense of the entire process for in-  
6 vestigation and recovery related to missing persons;  
7 and

8           “(B) coordination for the Department of De-  
9 fense with other departments and agencies of the  
10 United States on all matters concerning missing per-  
11 sons.

12           “(2) In carrying out the responsibilities of the office  
13 established under this subsection, the head of the office  
14 shall coordinate the efforts of that office with those of  
15 other departments and agencies and other elements of the  
16 Department of Defense for such purposes and shall be re-  
17 sponsible for the coordination for such purposes within the  
18 Department of Defense among the military departments,  
19 the Joint Staff, and the commanders of the combatant  
20 commands.

21           “(3) The office shall establish policies, which shall  
22 apply uniformly throughout the Department of Defense,  
23 for personnel recovery.

24           “(4) The office shall establish procedures to be fol-  
25 lowed by Department of Defense boards of inquiry, and

1 by officials reviewing the reports of such boards, under  
2 this chapter.

3 “(b) SEARCH AND RESCUE.—Notwithstanding sub-  
4 section (a), responsibility for search and rescue policies  
5 within the Department of Defense shall be established by  
6 the Assistant Secretary of Defense for Special Operations  
7 and Low Intensity Conflict.

8 “(c) UNIFORM DoD PROCEDURES.—(1) The Sec-  
9 retary of Defense shall prescribe procedures, to apply uni-  
10 formly throughout the Department of Defense, for—

11 “(A) the determination of the status of persons  
12 described in subsection (e); and

13 “(B) for the systematic, comprehensive, and  
14 timely collection, analysis, review, dissemination, and  
15 periodic update of information related to such per-  
16 sons.

17 “(2) Such procedures may provide for the delegation  
18 by the Secretary of Defense of any responsibility of the  
19 Secretary under this chapter to the Secretary of a military  
20 department.

21 “(3) Such procedures shall be prescribed in a single  
22 directive applicable to all elements of the Department of  
23 Defense, other than the elements carrying out activities  
24 relating to search and rescue.

1       “(4) As part of such procedures, the Secretary may  
2 provide for the extension, on a case by-case basis, of any  
3 time limit specified in section 1503 or 1504 of this title.  
4 Any such extension may not be for a period in excess of  
5 the period with respect to which the extension is provided.  
6 Subsequent extensions may be provided on the same basis.

7       “(d) COAST GUARD.—(1) The Secretary of Transpor-  
8 tation shall designate an officer of the Department of  
9 Transportation to have responsibility within the Depart-  
10 ment of Transportation for matters relating to missing  
11 persons who are Coast Guard personnel.

12       “(2) The Secretary of Transportation shall prescribe  
13 procedures for the determination of the status of persons  
14 described in subsection (e) who are personnel of the Coast  
15 Guard and for the collection, analysis, review, and update  
16 of information on such persons. To the maximum extent  
17 practicable, the procedures prescribed under this para-  
18 graph shall be similar to the procedures prescribed by the  
19 Secretary of Defense under subsection (c).

20       “(e) COVERED PERSONS.—Section 1502 of this title  
21 applies in the case of any member of the armed forces  
22 on active duty who becomes involuntarily absent as a re-  
23 sult of a hostile action, or under circumstances suggesting  
24 that the involuntary absence is a result of a hostile action,

1 and whose status is undetermined or who is unaccounted  
2 for.

3 “(f) PRIMARY NEXT OF KIN.—The individual who is  
4 primary next of kin of any person prescribed in subsection  
5 (e) may for purposes of this chapter designate another in-  
6 dividual to act on behalf of that individual as primary next  
7 of kin. The Secretary concerned shall treat an individual  
8 so designated as if the individual designated were the pri-  
9 mary next of kin for purposes of this chapter. A designa-  
10 tion under this subsection may be revoked at any time by  
11 the person who made the designation.

12 “(g) TERMINATION OF APPLICABILITY OF PROCE-  
13 DURES WHEN MISSING PERSON IS ACCOUNTED FOR.—  
14 The provisions of this chapter relating to boards of inquiry  
15 and to the actions by the Secretary concerned on the re-  
16 ports of those boards shall cease to apply in the case of  
17 a missing person upon the person becoming accounted for  
18 or otherwise being determined to be in a status other than  
19 missing.

20 **“§ 1502. Missing persons: initial report**

21 “(a) PRELIMINARY ASSESSMENT AND RECOMMENDA-  
22 TION BY COMMANDER.—After receiving information that  
23 the whereabouts or status of a person described in section  
24 1501(e) of this title is uncertain and that the absence of  
25 the person may be involuntary, the commander of the unit,

1 facility, or area to or in which the person is assigned shall  
2 make a preliminary assessment of the circumstances. If,  
3 as a result of that assessment, the commander concludes  
4 that the person is missing, the commander shall—

5           “(1) recommend that the person be placed in a  
6 missing status; and

7           “(2) transmit that recommendation to the Sec-  
8 retary of Defense or the Secretary having jurisdic-  
9 tion over the missing person in accordance with pro-  
10 cedures prescribed under section 1501 of this title.

11       “(b) FORWARDING OF RECORDS.—The commander  
12 making the initial assessment shall (in accordance with  
13 procedures prescribed under section 1501 of this title)  
14 safeguard and forward for official use any information re-  
15 lating to the whereabouts or status of a missing person  
16 that result from the preliminary assessment or from ac-  
17 tions taken to locate the person.

18 **“§ 1503. Actions of Secretary concerned; initial board**  
19 **inquiry**

20       “(a) DETERMINATION BY SECRETARY.—(1) Upon  
21 receiving a recommendation on the status of a person  
22 under section 1502(a)(2) of this title, the Secretary receiv-  
23 ing the recommendation shall review the recommendation.

24       “(2) After reviewing the recommendation on the sta-  
25 tus of a person, the Secretary shall—

1           “(A) make a determination whether the person  
2 shall be declared missing; or

3           “(B) if the Secretary determines that a status  
4 other than missing may be warranted for the person,  
5 appoint a board under this section to carry out an  
6 inquiry into the whereabouts or status of the person.

7           “(b) INQUIRIES INVOLVING MORE THAN ONE MISS-  
8 ING PERSON.—If it appears to the Secretary who appoints  
9 a board under this section that the absence or missing  
10 status of two or more persons is factually related, the Sec-  
11 retary may appoint a single board under this section to  
12 conduct the inquiry into the whereabouts or status of such  
13 persons.

14           “(c) COMPOSITION.—(1) A board appointed under  
15 this section to inquire into the whereabouts or status of  
16 a person shall consist of at least one military officer who  
17 has experience with and understanding of military oper-  
18 ations or activities similar to the operation or activity in  
19 which the person disappeared.

20           “(2) An individual may be appointed as a member  
21 of a board under this section only if the individual has  
22 a security clearance that affords the individual access to  
23 all information relating to the whereabouts and status of  
24 the missing persons covered by the inquiry.

1       “(3) The Secretary who appoints a board under this  
2 subsection shall, for purposes of providing legal counsel  
3 to the board, assign to the board a judge advocate, or ap-  
4 point to the board an attorney, who has expertise in the  
5 law relating to missing persons, the determination of  
6 death of such persons, and the rights of family members  
7 and dependents of such persons.

8       “(d) DUTIES OF BOARD.—A board appointed to con-  
9 duct an inquiry into the whereabouts or status of a miss-  
10 ing person under this section shall—

11           “(1) collect, develop, and investigate all facts  
12 and evidence relating to the disappearance, where-  
13 abouts, or status of the person;

14           “(2) collect appropriate documentation of the  
15 facts and evidence covered by the investigation;

16           “(3) analyze the facts and evidence, make find-  
17 ings based on that analysis, and draw conclusions as  
18 to the current whereabouts and status of the person;  
19 and

20           “(4) with respect to each person covered by the  
21 inquiry, recommend to the Secretary who appointed  
22 the board that—

23           “(A) the person be placed in a missing sta-  
24 tus; or

1           “(B) the person be declared to have de-  
2           serted, to be absent without leave, or to be  
3           dead.

4           “(e) BOARD PROCEEDINGS.—During the proceedings  
5 of an inquiry under this section, a board shall—

6           “(1) collect, record, and safeguard all facts,  
7           documents, statements, photographs, tapes, mes-  
8           sages, maps, sketches, reports, and other informa-  
9           tion (whether classified or unclassified) relating to  
10          the whereabouts or status of each person covered by  
11          the inquiry;

12          “(2) gather information relating to actions  
13          taken to find the person, including any evidence of  
14          the whereabouts or status of the person arising from  
15          such actions; and

16          “(3) maintain a record of its proceedings.

17          “(f) ACCESS TO PROCEEDINGS.—The proceedings of  
18 a board during an inquiry under this section shall be  
19 closed to the public (including, with respect to the person  
20 covered by the inquiry, the primary next of kin, other  
21 members of the immediate family, and any other pre-  
22 viously designated person of the person).

23          “(g) RECOMMENDATION ON STATUS OF MISSING  
24 PERSONS.—(1) Upon completion of its inquiry, a board  
25 appointed under this section shall make a recommendation

1 to the Secretary who appointed the board as to the appro-  
2 priate determination of the current whereabouts or status  
3 of each person whose whereabouts and status were covered  
4 by the inquiry.

5 “(2)(A) A board may not recommend under para-  
6 graph (1) that a person be declared dead unless the board  
7 determines that the evidence before it established conclu-  
8 sive proof of the death of the person.

9 “(B) In this paragraph, the term ‘conclusive proof  
10 of death’ means credible evidence establishing that death  
11 is the only credible explanation for the absence of the per-  
12 son.

13 “(h) REPORT.—(1) A board appointed under this sec-  
14 tion shall submit to the Secretary who appointed the board  
15 a report on the inquiry carried out by the board. The re-  
16 port shall include—

17 “(A) a discussion of the facts and evidence con-  
18 sidered by the board in the inquiry;

19 “(B) the recommendation of the board under  
20 subsection (g) with respect to each person covered  
21 by the report; and

22 “(C) disclosure of whether classified documents  
23 and information were reviewed by the board or were  
24 otherwise used by the board in forming rec-  
25 ommendations under subparagraph (B).

1       “(2) A board shall submit a report under this sub-  
2 section with respect to the inquiry carried out by the board  
3 not later than 30 days after the date of the appointment  
4 of the board to carry out the inquiry.

5       “(3) A report submitted under this subsection with  
6 respect to a missing person may not be made public until  
7 one year after the date on which the report is submitted,  
8 and not without the approval of the primary next of kin  
9 of the person.

10       “(i) DETERMINATION BY SECRETARY.—(1) Not later  
11 than 30 days after the receipt of a report from a board  
12 under subsection (j), the Secretary receiving the report  
13 shall review the report.

14       “(2) In reviewing a report under paragraph (1) the  
15 Secretary shall determine whether or not the report is  
16 complete and free of administrative error. If the Secretary  
17 determines that the report is incomplete, or that the re-  
18 port is not free of administrative error, the Secretary may  
19 return the report to the board for further action on the  
20 report by the board.

21       “(3) Upon a determination by the Secretary that a  
22 report reviewed under this subsection is complete and free  
23 of administrative error, the Secretary shall make a deter-  
24 mination concerning the status of each person covered by  
25 the report, including whether the person shall—

1           “(A) be declared missing;

2           “(B) be declared to have deserted;

3           “(C) be declared to be absent without leave; or

4           “(D) be declared to be dead.

5           “(j) REPORT TO FAMILY MEMBERS AND OTHER IN-  
6 TERESTED PERSONS.—Not later than 30 days after the  
7 date on which the Secretary concerned makes a determina-  
8 tion of the status of a person under subsection (a)(2) or  
9 (i), the Secretary shall take reasonable actions to—

10           “(1) provide to the primary next of kin, the  
11 other members of the immediate family, and any  
12 other previously designated person of the person—

13           “(A) an unclassified summary of the unit  
14 commander’s report with respect to the person  
15 under section 1502(a) of this title; and

16           “(B) if a board was appointed to carry out  
17 an inquiry into the person under this section,  
18 the report of the board (including the names of  
19 the members of the board) under subsection  
20 (h); and

21           “(2) inform each individual referred to in para-  
22 graph (1) that the United States will conduct a sub-  
23 sequent inquiry into the whereabouts or status of  
24 the person on or about one year after the date of the  
25 first official notice of the disappearance of the per-

1 son, unless information becomes available sooner  
2 that may result in a change in status of the person.

3 “(k) TREATMENT OF DETERMINATION.—Any deter-  
4 mination of the status of a missing person under sub-  
5 section (a)(2) or (i) shall be treated as the determination  
6 of the status of the person by all departments and agen-  
7 cies of the United States.

8 **“§ 1504. Subsequent board of inquiry**

9 “(a) ADDITIONAL BOARD.—If information that may  
10 result in a change of status of a person covered by a deter-  
11 mination under subsection (a)(2) or (i) of section 1503  
12 of this title becomes available within one year after the  
13 date of the transmission of a report with respect to the  
14 person under section 1502(a)(2) of this title, the Secretary  
15 concerned shall appoint a board under this section to con-  
16 duct an inquiry into the information.

17 “(b) DATE OF APPOINTMENT.—The Secretary con-  
18 cerned shall appoint a board under this section to conduct  
19 an inquiry into the whereabouts and status of a missing  
20 person on or about one year after the date of the trans-  
21 mission of a report concerning the person under section  
22 1502(a)(2) of this title.

23 “(c) COMBINED INQUIRIES.—If it appears to the Sec-  
24 retary concerned that the absence or status of two or more  
25 persons is factually related, the Secretary may appoint one

1 board under this section to conduct the inquiry into the  
2 whereabouts or status of such persons.

3 “(d) COMPOSITION.—(1) Subject to paragraphs (2)  
4 and (3), a board appointed under this section shall consist  
5 of not less than three officers having the grade of major  
6 or lieutenant commander or above.

7 “(2) The Secretary concerned shall designate one  
8 member of a board appointed under this section as presi-  
9 dent of the board. The president of the board shall have  
10 a security clearance that affords the president access to  
11 all information relating to the whereabouts and status of  
12 each person covered by the inquiry.

13 “(3) One member of each board appointed under this  
14 subsection shall be an individual who—

15 “(A) has a occupational specialty similar to  
16 that of one or more of the persons covered by the  
17 inquiry; and

18 “(B) has an understanding of and expertise in  
19 the type of official activities that one or more such  
20 persons were engaged in at the time such person or  
21 persons disappeared.

22 “(4) The Secretary who appoints a board under this  
23 subsection shall, for purposes of providing legal counsel  
24 to the board, assign to the board a judge advocate, or ap-  
25 point to the board an attorney, who has expertise in the

1 law relating to missing persons, the determination of  
2 death of such persons, and the rights of family members  
3 and dependents of such persons.

4 “(e) DUTIES OF BOARD.—A board appointed under  
5 this section to conduct an inquiry into the whereabouts  
6 or status of a person shall—

7 “(1) review the report with respect to the per-  
8 son transmitted under section 1502(a)(2) of this  
9 title, and the report, if any, submitted under sub-  
10 section (h) of section 1503 of this title by the board  
11 appointed to conduct inquiry into the status of the  
12 person under such section 1503;

13 “(2) collect and evaluate any document, fact, or  
14 other evidence with respect to the whereabouts or  
15 status of the person that has become available since  
16 the determination of the status of the person under  
17 section 1503 of this title;

18 “(3) draw conclusions as to the whereabouts or  
19 status of the person;

20 “(4) determine on the basis of the activities  
21 under paragraphs (1) and (2) whether the status of  
22 the person should be continued or changed; and

23 “(5) submit to the Secretary concerned a report  
24 describing the findings and conclusions of the board,  
25 together with a recommendation for a determination

1 by the Secretary concerning the whereabouts or sta-  
2 tus of the person.

3 “(f) ATTENDANCE OF FAMILY MEMBERS AND CER-  
4 TAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—

5 (1) With respect to any person covered by a inquiry under  
6 this section, the primary next of kin, other members of  
7 the immediate family, and any other previously designated  
8 person of the person may attend the proceedings of the  
9 board during the inquiry.

10 “(2) The Secretary concerned shall take reasonable  
11 actions to notify each individual referred to in paragraph  
12 (1) of the opportunity to attend the proceedings of a  
13 board. Such notice shall be provided not less than 60 days  
14 before the first meeting of the board.

15 “(3) An individual who receives notice under para-  
16 graph (2) shall notify the Secretary of the intent, if any,  
17 of that individual to attend the proceedings of the board  
18 not later than 21 days after the date on which the individ-  
19 ual receives the notice.

20 “(4) Each individual who notifies the Secretary under  
21 paragraph (3) of the individual’s intent to attend the pro-  
22 ceedings of the board—

23 “(A) in the case of a individual who is the pri-  
24 mary next of kin or other member of the immediate  
25 family of a missing person whose status is a subject

1 of the inquiry and whose receipt of the pay or allow-  
2 ances (including allotments) of the person could be  
3 reduced or terminated as a result of a revision in the  
4 status of the person, may attend the proceedings of  
5 the board with private counsel;

6 “(B) shall have access to the personnel file of  
7 the missing person, to unclassified reports, if any, of  
8 the board appointed under section 1503 of this title  
9 to conduct the inquiry into the whereabouts and sta-  
10 tus of the person, and to any other unclassified in-  
11 formation or documents relating to the whereabouts  
12 and status of the person;

13 “(C) shall be afforded the opportunity to  
14 present information at the proceedings of the board  
15 that such individual considers to be relevant to those  
16 proceedings; and

17 “(D) subject to paragraph (5), shall be given  
18 the opportunity to submit in writing an objection to  
19 any recommendation of the board under subsection  
20 (h) as to the status of the missing person.

21 “(5)(A) Individuals who wish to file objections under  
22 paragraph (4)(D) to any recommendation of the board  
23 shall—

1           “(i) submit a letter of intent to the president of  
2           the board not later than 2 days after the date on  
3           which the recommendations are made; and

4           “(ii) submit to the president of the board the  
5           objections in writing not later than 15 days after the  
6           date on which the recommendations are made.

7           “(B) The president of a board shall include any objec-  
8           tions to a recommendation of the board that are submitted  
9           to the president of the board under subparagraph (A) in  
10          the report of the board containing the recommendation  
11          under subsection (h).

12          “(6) An individual referred to in paragraph (1) who  
13          attends the proceedings of a board under this subsection  
14          shall not be entitled to reimbursement by the United  
15          States for any costs (including travel, lodging, meals, local  
16          transportation, legal fees, transcription costs, witness ex-  
17          penses, and other expenses) incurred by that individual  
18          in attending such proceedings.

19          “(g) AVAILABILITY OF INFORMATION TO BOARDS.—  
20          (1) In conducting proceedings in an inquiry under this sec-  
21          tion, a board may secure directly from any department  
22          or agency of the United States any information that the  
23          board considers necessary in order to conduct the proceed-  
24          ings.

1       “(2) Upon written request from the president of a  
2 board, the head of a department or agency of the United  
3 States shall release information covered by the request to  
4 the board. In releasing such information, the head of the  
5 department or agency shall—

6           “(A) declassify to an appropriate degree classi-  
7 fied information; or

8           “(B) release the information in a manner not  
9 requiring the removal of markings indicating the  
10 classified nature of the information.

11       “(3)(A) If a request for information under paragraph  
12 (2) covers classified information that cannot be declas-  
13 sified, cannot be removed before release from the informa-  
14 tion covered by the request, or cannot be summarized in  
15 a manner that prevents the release of classified informa-  
16 tion, the classified information shall be made available  
17 only to the president of the board making the request.

18       “(B) The president of a board shall close to persons  
19 who do not have appropriate security clearances the pro-  
20 ceeding of the board at which classified information is dis-  
21 cussed. Participants at a proceeding of a board at which  
22 classified information is discussed shall comply with all ap-  
23 plicable laws and regulations relating to the disclosure of  
24 classified information. The Secretary concerned shall as-  
25 sist the president of a board in ensuring that classified

1 information is not compromised through board proceed-  
2 ings.

3 “(h) RECOMMENDATION ON STATUS.—(1) Upon  
4 completion of an inquiry under this subsection, a board  
5 shall make a recommendation as to the current where-  
6 abouts or status of each missing person covered by the  
7 inquiry.

8 “(2) A board may not recommend under paragraph  
9 (1) that a person be declared dead unless—

10 “(A) proof of death is established by the board;

11 or

12 “(B) in making the recommendation, the board  
13 complies with section 1507 of this title.

14 “(i) REPORT.—A board appointed under this section  
15 shall submit to the Secretary concerned a report on the  
16 inquiry carried out by the board, together with the evi-  
17 dence considered by the board during the inquiry. The re-  
18 port may include a classified annex.

19 “(j) ACTIONS BY SECRETARY CONCERNED.—(1) Not  
20 later than 30 days after the receipt of a report from a  
21 board under subsection (i), the Secretary shall review—

22 “(A) the report; and

23 “(B) the objections, if any, to the report sub-  
24 mitted to the president of the board under sub-  
25 section (f)(5).

1       “(2) In reviewing a report under paragraph (1) (in-  
2 cluding the objections described in subparagraph (B) of  
3 that paragraph), the Secretary concerned shall determine  
4 whether or not the report is complete and free of adminis-  
5 trative error. If the Secretary determines that the report  
6 is incomplete, or that the report is not free of administra-  
7 tive error, the Secretary may return the report to the  
8 board for further action on the report by the board.

9       “(3) Upon a determination by the Secretary that a  
10 report reviewed under this subsection is complete and free  
11 of administrative error, the Secretary shall make a deter-  
12 mination concerning the status of each person covered by  
13 the report.

14       “(k) REPORT TO FAMILY MEMBERS AND OTHER IN-  
15 TERESTED PERSONS.—Not later than 60 days after the  
16 date on which the Secretary concerned makes a determina-  
17 tion with respect to a missing person under subsection (j),  
18 the Secretary shall—

19               “(1) provide an unclassified summary of the re-  
20 port reviewed by the Secretary in making the deter-  
21 mination to the primary next of kin, the other mem-  
22 bers of the immediate family, and any other pre-  
23 viously designated person of the person; and

24               “(2) in the case of a person who continues to  
25 be in a missing status, inform each individual re-

1       ferred to in paragraph (1) that the United States  
2       will conduct subsequent inquiries into the where-  
3       abouts or status of the person upon obtaining credi-  
4       ble information that may result in a change in the  
5       status of the person.

6       “(l) TREATMENT OF DETERMINATION.—Any deter-  
7       mination of the status of a missing person under sub-  
8       section (j) shall supersede the determination of the status  
9       of the person under section 1503 of this title and shall  
10      be treated as the determination of the status of the person  
11      by all departments and agencies of the United States.

12      **“§ 1505. Further review**

13      “(a) SUBSEQUENT REVIEW.—(1) The Secretary con-  
14      cerned shall conduct subsequent inquiries into the where-  
15      abouts or status of any person determined by the Sec-  
16      retary under section 1504 of this title to be in a missing  
17      status.

18      “(2) The Secretary concerned shall appoint a board  
19      to conduct an inquiry with respect to a person under this  
20      subsection upon obtaining credible information that may  
21      result in a change of status of the person.

22      “(b) CONDUCT OF PROCEEDINGS.—The appointment  
23      of, and activities before, a board appointed under this sec-  
24      tion shall be governed by the provisions of section 1504

1 of this title with respect to a board appointed under that  
2 section.

3 **“§ 1506. Personnel files**

4 “(a) INFORMATION IN FILES.—Except as provided in  
5 subsections (b), (c), and (d), the Secretary of the depart-  
6 ment having jurisdiction over a missing person at the time  
7 of the person’s disappearance shall, to the maximum ex-  
8 tent practicable, ensure that the personnel file of the per-  
9 son contains all information in the possession of the Unit-  
10 ed States relating to the disappearance and whereabouts  
11 or status of the person.

12 “(b) CLASSIFIED INFORMATION.—(1) The Secretary  
13 concerned may withhold classified information from a per-  
14 sonnel file under this section.

15 “(2) If the Secretary concerned withholds classified  
16 information from a personnel file, the Secretary shall en-  
17 sure that the file contains the following:

18 “(A) A notice that the withheld information ex-  
19 ists.

20 “(B) A notice of the date of the most recent re-  
21 view of the classification of the withheld information.

22 “(c) PROTECTION OF PRIVACY.—The Secretary con-  
23 cerned shall maintain personnel files under this section,  
24 and shall permit disclosure of or access to such files, in  
25 accordance with the provisions of section 552a of title 5

1 and with other applicable laws and regulations pertaining  
2 to the privacy of the persons covered by the files.

3 “(d) PRIVILEGED INFORMATION.—The Secretary  
4 concerned shall withhold reports obtained as privileged in-  
5 formation from the personnel files under this section. If  
6 the Secretary withholds a report from a personnel file  
7 under this subsection, the Secretary shall ensure that the  
8 file contains a notice that the withheld information exists.

9 “(e) WRONGFUL WITHHOLDING.—Except as other-  
10 wise provided by law, any person who knowingly and will-  
11 fully withholds from the personnel file of a missing person  
12 any information relating to the disappearance or where-  
13 abouts or status of a missing person shall be fined as pro-  
14 vided in title 18 or imprisoned not more than one year,  
15 or both.

16 “(f) AVAILABILITY OF INFORMATION.—The Sec-  
17 retary concerned shall, upon request, make available the  
18 contents of the personnel file of a missing person to the  
19 primary next of kin, the other members of the immediate  
20 family, or any other previously designated person of the  
21 person.

22 **“§ 1507. Recommendation of status of death**

23 “(a) REQUIREMENTS RELATING TO RECOMMENDA-  
24 TION.—A board appointed under section 1504 or 1505 of

1 this title may not recommend that a person be declared  
2 dead unless—

3 “(1) credible evidence exists to suggest that the  
4 person is dead;

5 “(2) the United States possesses no credible  
6 evidence that suggests that the person is alive;

7 “(3) representatives of the United States have  
8 made a complete search of the area where the per-  
9 son was last seen (unless, after making a good faith  
10 effort to obtain access to such area, such representa-  
11 tives are not granted such access); and

12 “(4) representatives of the United States have  
13 examined the records of the government or entity  
14 having control over the area where the person was  
15 last seen (unless, after making a good faith effort to  
16 obtain access to such records, such representatives  
17 are not granted such access).

18 “(b) SUBMITTAL OF INFORMATION ON DEATH.—If  
19 a board appointed under section 1504 or 1505 of this title  
20 makes a recommendation that a missing person be de-  
21 clared dead, the board shall, to the maximum extent prac-  
22 ticable, include in the report of the board with respect to  
23 the person under such section the following:

24 “(1) A detailed description of the location  
25 where the death occurred.

1           “(2) A statement of the date on which the  
2 death occurred.

3           “(3) A description of the location of the body,  
4 if recovered.

5           “(4) If the body has been recovered and is not  
6 identifiable through visual means, a certification by  
7 a practitioner of an appropriate forensic science that  
8 the body recovered is that of the missing person.

9   **“§ 1508. Return alive of person declared missing or**  
10           **dead**

11       “(a) PAY AND ALLOWANCES.—Any person (except  
12 for a person subsequently determined to have been absent  
13 without leave or a deserter) in a missing status or declared  
14 dead under the Missing Persons Act of 1942 (56 Stat.  
15 143) or chapter 10 of title 37 or by a board appointed  
16 under this chapter who is found alive and returned to the  
17 control of the United States shall be paid for the full time  
18 of the absence of the person while given that status or  
19 declared dead under the law and regulations relating to  
20 the pay and allowances of persons returning from a miss-  
21 ing status.

22       “(b) EFFECT ON GRATUITIES PAID AS A RESULT OF  
23 STATUS.—Subsection (a) shall not be interpreted to invali-  
24 date or otherwise affect the receipt by any person of a  
25 death gratuity or other payment from the United States

1 on behalf of a person referred to in subsection (a) before  
2 the date of the enactment of this chapter.

3 **“§ 1509. Effect on State law**

4 “Nothing in this chapter shall be construed to invali-  
5 date or limit the power of any State court or administra-  
6 tive entity, or the power of any court or administrative  
7 entity of any political subdivision thereof, to find or de-  
8 clare a person dead for purposes of such State or political  
9 subdivision.

10 **“§ 1510. Definitions**

11 “In this chapter:

12 “(1) The term ‘missing person’ means a mem-  
13 ber of the armed forces on active duty who is in a  
14 missing status.

15 “(2) The term ‘missing status’ means the sta-  
16 tus of a missing person who is determined to be ab-  
17 sent in a category of—

18 “(A) missing;

19 “(B) missing in action;

20 “(C) interned in a foreign country;

21 “(D) captured;

22 “(E) beleaguered;

23 “(F) besieged; or

24 “(G) detained.

1           “(3) The term ‘accounted for’, with respect to  
2 a person in a missing status, means that—

3           “(A) the person is returned to United  
4 States control alive;

5           “(B) the remains of the person are identi-  
6 fied by competent authority; or

7           “(C) credible evidence exists to support an-  
8 other determination of the person’s status.

9           “(4) The term ‘primary next of kin’, in the case  
10 of a missing person, means the individual authorized  
11 to direct disposition of the remains of the person  
12 under section 1482(c) of this title.

13           “(5) The term ‘member of the immediate fam-  
14 ily’, in the case of a missing person, means the fol-  
15 lowing:

16           “(A) The spouse of the person.

17           “(B) A natural child, adopted child, step  
18 child, or illegitimate child (if acknowledged by  
19 the person or parenthood has been established  
20 by a court of competent jurisdiction) of the per-  
21 son, except that if such child has not attained  
22 the age of 18 years, the term means a surviving  
23 parent or legal guardian of such child.

24           “(C) A biological parent of the person, un-  
25 less legal custody of the person by the parent

1 has been previously terminated by reason of a  
2 court decree or otherwise under law and not re-  
3 stored.

4 “(D) A brother or sister of the person, if  
5 such brother or sister has attained the age of  
6 18 years.

7 “(E) Any other blood relative or adoptive  
8 relative of the person, if such relative was given  
9 sole legal custody of the person by a court de-  
10 cree or otherwise under law before the person  
11 attained the age of 18 years and such custody  
12 was not subsequently terminated before that  
13 time.

14 “(6) The term ‘previously designated person’, in  
15 the case of a missing person, means an individual  
16 designated by the person under section 655 of this  
17 title for purposes of this chapter.

18 “(7) The term ‘classified information’ means  
19 any information determined as such under applicable  
20 laws and regulations of the United States.

21 “(8) The term ‘State’ includes the District of  
22 Columbia, the Commonwealth of Puerto Rico, and  
23 any territory or possession of the United States.

24 “(9) The term ‘Secretary concerned’ includes  
25 the Secretary of Transportation with respect to the

1 Coast Guard when it is not operating as a service  
2 in the Department of the Navy.

3 “(10) The term ‘armed forces’ includes Coast  
4 Guard personnel operating in conjunction with, in  
5 support of, or under the command of a unified com-  
6 batant command (as that term is used in section 6  
7 of this title).”.

8 (2) The tables of chapters at the beginning of subtitle  
9 A, and at the beginning of part II of subtitle A, of title  
10 10, United States Code, are amended by inserting after  
11 the item relating to chapter 75 the following new item:

“76. Missing Persons ..... 1501”.

12 (c) CONFORMING AMENDMENTS.—Chapter 10 of title  
13 37, United States Code, is amended as follows:

14 (1) Section 555 is amended—

15 (A) in subsection (a), by striking out  
16 “when a member” and inserting in lieu thereof  
17 “except as provided in subsection (d), when a  
18 member”; and

19 (B) by adding at the end the following new  
20 subsection:

21 “(d) This section does not apply in a case to which  
22 section 1502 of title 10 applies.”.

23 (2) Section 552 is amended—

24 (A) in subsection (a), by striking out “for  
25 all purposes,” in the second sentence of the

1 matter following paragraph (2) and all that fol-  
2 lows through the end of the sentence and in-  
3 serting in lieu thereof “for all purposes.”;

4 (B) in subsection (b), by inserting “or  
5 under chapter 76 of title 10” before the period  
6 at the end; and

7 (C) in subsection (e), by inserting “or  
8 under chapter 76 of title 10” after “section 555  
9 of this title” after “section 555 of this title”.

10 (3) Section 553 is amended—

11 (A) in subsection (f), by striking out “the  
12 date the Secretary concerned receives evidence  
13 that” and inserting in lieu thereof “the date on  
14 which, in a case covered by section 555 of this  
15 title, the Secretary concerned receives evidence,  
16 or, in a case covered by chapter 76 of title 10,  
17 the Secretary concerned determines pursuant to  
18 that chapter that”; and

19 (B) in subsection (g), by inserting “or  
20 under chapter 76 of title 10” after section 555  
21 of this title”.

22 (4) Section 556 is amended—

23 (A) in subsection (a), by inserting after  
24 paragraph (7) the following: “Paragraphs (1),  
25 (5), (6), and (7) shall only apply with respect

1 to a case to which section 555 of this title ap-  
2 plies.”;

3 (B) in subsection (b), by inserting “, in a  
4 case to which section 555 of this title applies,”  
5 after “When the Secretary concerned”; and

6 (C) In subsection (h)—

7 (i) in the first sentence, by striking  
8 out “status” and inserting in lieu thereof  
9 “pay”; and

10 (ii) in the second sentence, by insert-  
11 ing “in a case to which section 555 of this  
12 title applies” after “under this section”.

13 (d) DESIGNATION OF INDIVIDUALS HAVING INTER-  
14 EST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37  
15 of title 10, United States Code, is amended by adding at  
16 the end the following new section:

17 **“§655. Designation of persons having interest in sta-**  
18 **tus of a missing member**

19 “(a) The Secretary concerned shall, upon the enlist-  
20 ment or appointment of a person in the armed forces, re-  
21 quire that the person specify in writing the person or per-  
22 sons, if any, other than that person’s primary next of kin  
23 or immediate family, to whom information on the where-  
24 abouts or status of the member shall be provided if such  
25 whereabouts or status are investigated under chapter 76

1 of this title. The Secretary shall periodically, and whenever  
2 the member is deployed as part of a contingency operation  
3 or in other circumstances specified by the Secretary, re-  
4 quire that such designation be reconfirmed, or modified,  
5 by the member.

6 “(b) The Secretary concerned shall, upon the request  
7 of a member, permit the member to revise the person or  
8 persons specified by the member under subsection (a) at  
9 any time. Any such revision shall be in writing.”.

10 (2) The table of sections at the beginning of such  
11 chapter is amended by adding at the end the following  
12 new item:

“655. Designation of persons having interest in status of a missing member.”.

13 (e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CON-  
14 TRACTORS OF THE UNITED STATES.—(1) The Secretary  
15 of State shall carry out a comprehensive study of the Miss-  
16 ing Persons Act of 1942 (56 Stat. 143), and any other  
17 laws and regulations establishing procedures for the ac-  
18 counting for of civilian employees of the United States or  
19 contractors of the United States who serve with or accom-  
20 pany the Armed Forces in the field. The purpose of the  
21 study is to determine the means, if any, by which such  
22 procedures may be improved.

23 (2) The Secretary of State shall carry out the study  
24 required under paragraph (1) in consultation with the Sec-  
25 retary of Defense, the Secretary of Transportation, the

1 Director of Central Intelligence, and the heads of such  
2 other departments and agencies of the Federal Govern-  
3 ment as the President shall designate for that purpose.

4 (3) In carrying out the study, the Secretary of State  
5 shall examine the procedures undertaken when a civilian  
6 employee referred to in paragraph (1) becomes involuntar-  
7 ily absent as a result of a hostile action, or under cir-  
8 cumstances suggesting that the involuntary absence is a  
9 result of a hostile action, and whose status is undeter-  
10 mined or who is unaccounted for, including procedures  
11 for—

12 (A) search and rescue for the employee;

13 (B) determining the status of the employee;

14 (C) reviewing and changing the status of the  
15 employee;

16 (D) determining the rights and benefits ac-  
17 corded to the family of the employee; and

18 (E) maintaining and providing appropriate ac-  
19 cess to the records of the employee and the inves-  
20 tigation into the status of the employee.

21 (4) Not later than one year after the date of the en-  
22 actment of this Act, the Secretary of State shall submit  
23 to the Committee on Armed Services of the Senate and  
24 the Committee on National Security of the House of Rep-  
25 resentatives a report on the study carried out by the Sec-

1 retary under this subsection. The report shall include the  
2 recommendations, if any, of the Secretary for legislation  
3 to improve the procedures covered by the study.

4 **SEC. 552. SERVICE NOT CREDITABLE FOR PERIODS OF UN-**  
5 **AVAILABILITY OR INCAPACITY DUE TO MIS-**  
6 **CONDUCT.**

7 (a) ENLISTED SERVICE CREDIT.—Section 972 of  
8 title 10, United States Code, is amended—

9 (1) by striking out paragraphs (3) and (4) and  
10 inserting in lieu thereof the following:

11 “(3) is confined by military or civilian authori-  
12 ties for more than one day in connection with a trial,  
13 whether before, during, or after the trial; or”; and

14 (2) by redesignating paragraph (5) paragraph  
15 (4).

16 (b) OFFICER SERVICE CREDIT.—Chapter 49 of title  
17 10, United States Code, is amended by inserting after sec-  
18 tion 972 the following new section:

19 **“§ 972a. Officers: service not creditable**

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (b), an officer of an armed force may not receive credit  
22 for service in the armed forces for any purpose for a period  
23 for which the officer—

24 “(1) deserts;

1           “(2) is absent from the officer’s organization,  
2           station, or duty for more than one day without prop-  
3           er authority, as determined by competent authority;

4           “(3) is confined by military or civilian authori-  
5           ties for more than one day in connection with a trial,  
6           whether before, during, or after the trial; or

7           “(4) is unable for more than one day, as deter-  
8           mined by competent authority, to perform the offi-  
9           cer’s duties because of intemperate use of drugs or  
10          alcoholic liquor, or because of disease or injury re-  
11          sulting from the officer’s misconduct.

12          “(b) INAPPLICABILITY TO COMPUTATION OF BASIC  
13          PAY.—Subsection (a) does not apply to a determination  
14          of the amount of basic pay of the officer under section  
15          205 of title 37.”.

16          (c) ARMY COMPUTATION OF YEARS OF SERVICE.—  
17          Section 3926 of title 10, United States Code, is amended  
18          by adding at the end the following new subsection:

19          “(e) A period for which service credit is denied under  
20          section 972a(a) of this title may not be counted for pur-  
21          poses of computing years of service under this section.”.

22          (d) NAVY COMPUTATION OF YEARS OF SERVICE.—  
23          Chapter 571 of title 10, United States Code, is amended  
24          by inserting after section 6327 the following new section:

1 **“§ 6328. Computation of years of service: service not**  
2 **creditable**

3 “(a) ENLISTED MEMBERS.—Years of service com-  
4 puted under this chapter may not include a period of un-  
5 availability or incapacity to perform duties that is required  
6 under section 972 of this title to be made up by perform-  
7 ance of service for an additional period.

8 “(b) OFFICERS.—A period for which service credit is  
9 denied under section 972a(a) of this title may not be  
10 counted for purposes of computing years of service under  
11 this chapter.”.

12 (e) AIR FORCE COMPUTATION OF YEARS OF SERV-  
13 ICE.—Section 8926 of title 10, United States Code, is  
14 amended by adding at the end the following new sub-  
15 section:

16 “(d) A period for which service credit is denied under  
17 section 972a(a) of this title may not be counted for pur-  
18 poses of computing years of service under this section.”.

19 (f) CLERICAL AMENDMENTS.—(1) The table of sec-  
20 tions at the beginning of chapter 49 of title 10, United  
21 States Code, is amended by inserting after the item relat-  
22 ing to section 972 the following:

“972a. Officers: service not creditable.”.

23 (2) The table of sections at the beginning of chapter  
24 571 of title 10, United States Code, is amended by insert-

1 ing after the item relating to section 6327 the following  
2 new item:

“6328. Computation of years of service: service not creditable.”.

3 (g) EFFECTIVE DATE AND APPLICABILITY.—The  
4 amendments made by this section shall take effect on Oc-  
5 tober 1, 1995, and shall apply to occurrences on or after  
6 that date of unavailability or incapacity to perform duties  
7 as described in section 972 or 972a of title 10, United  
8 States Code, as the case may be.

9 **SEC. 553. SEPARATION IN CASES INVOLVING EXTENDED**  
10 **CONFINEMENT.**

11 (a) SEPARATION.—(1)(A) Chapter 59 of title 10,  
12 United States Code, is amended by adding at the end the  
13 following:

14 **“§1178. Persons under confinement for one year or**  
15 **more**

16 “Except as otherwise provided in regulations pre-  
17 scribed by the Secretary of Defense, a person sentenced  
18 by a court-martial to a period of confinement for one year  
19 or more may be separated from the person’s armed force  
20 at any time after the sentence to confinement has become  
21 final under chapter 47 of this title and the person has  
22 served in confinement for a period of one year.”.

1 (B) The table of sections at the beginning of chapter  
2 59 of such title is amended by inserting at the end thereof  
3 the following new item:

“1178. Persons under confinement for one year or more.”.

4 (2)(A) Chapter 1221 of title 10, United States Code,  
5 is amended by adding at the end the following:

6 **“§ 12687. Persons under confinement for one year or**  
7 **more**

8 “Except as otherwise provided in regulations pre-  
9 scribed by the Secretary of Defense, a Reserve sentenced  
10 by a court-martial to a period of confinement for one year  
11 or more may be separated from the person’s armed force  
12 at any time after the sentence to confinement has become  
13 final under chapter 47 of this title and the person has  
14 served in confinement for a period of one year.”.

15 (B) The table of sections at the beginning of chapter  
16 1221 of such title is amended by inserting at the end  
17 thereof the following new item:

“12687. Persons under confinement for one year or more.”.

18 (b) DROP FROM ROLLS.—(1) Section 1161(b) of title  
19 10, United States Code, is amended by striking out “or  
20 (2)” and inserting in lieu thereof “(2) who may be sepa-  
21 rated under section 1178 of this title by reason of a sen-  
22 tence to confinement adjudged by a court-martial, or (3)”.

23 (2) Section 12684 of such title is amended—

1 (A) by striking out “or” at the end of para-  
2 graph (1);

3 (B) by redesignating paragraph (2) as para-  
4 graph (3); and

5 (C) by inserting after paragraph (1) the follow-  
6 ing new paragraph (2):

7 “(2) who may be separated under section  
8 12687 of this title by reason of a sentence to con-  
9 finement adjudged by a court-martial; or”.

10 **SEC. 554. DURATION OF FIELD TRAINING OR PRACTICE**

11 **CRUISE REQUIRED UNDER THE SENIOR RE-**  
12 **SERVE OFFICERS’ TRAINING CORPS PRO-**  
13 **GRAM.**

14 Section 2104(b)(6)(A)(ii) of title 10, United States  
15 Code, is amended by striking out “not less than six weeks’  
16 duration” and inserting in lieu thereof “a duration”.

17 **SEC. 555. CORRECTION OF MILITARY RECORDS.**

18 (a) REVIEW OF PROCEDURES.—The Secretary of  
19 each military department shall review the system and pro-  
20 cedures used by the Secretary in the exercise of authority  
21 under section 1552 of title 10, United States Code, in  
22 order to identify potential improvements that could be  
23 made in the process for correcting military records to en-  
24 sure fairness, equity, and, consistent with appropriate  
25 service to applicants, maximum efficiency.

1 (b) ISSUES REVIEWED.—In conducting the review,  
2 the Secretary shall consider the following issues:

3 (1) The composition of the board for correction  
4 of military records and of the support staff for the  
5 board.

6 (2) Timeliness of final action.

7 (3) Independence of deliberations by the civilian  
8 board for the correction of military records.

9 (4) The authority of the Secretary to modify  
10 the recommendations of the board.

11 (5) Burden of proof and other evidentiary  
12 standards.

13 (6) Alternative methods for correcting military  
14 records.

15 (c) REPORT.—(1) Not later than April 1, 1996, the  
16 Secretary of each military department shall submit a re-  
17 port on the results of the Secretary's review under this  
18 section to the Secretary of Defense. The report shall con-  
19 tain the recommendations of the Secretary of the military  
20 department for improving the process for correcting mili-  
21 tary records in order to achieve the objectives referred to  
22 in subsection (a).

23 (2) The Secretary of Defense shall immediately trans-  
24 mit a copy of the report to the Committee on Armed Serv-

1 ices of the Senate and the Committee on National Security  
2 of the House of Representatives.

3 **SEC. 556. LIMITATION ON REDUCTIONS IN MEDICAL PER-**  
4 **SONNEL.**

5 (a) LIMITATION ON REDUCTIONS.—Unless the Sec-  
6 retary of Defense makes the certification described in sub-  
7 section (b) for a fiscal year, the Secretary may not reduce  
8 the number of medical personnel of the Department of De-  
9 fense—

10 (1) in fiscal year 1996, to a number that is less  
11 than—

12 (A) 95 percent of the number of such per-  
13 sonnel at the end of fiscal year 1994; or

14 (B) 90 percent of the number of such per-  
15 sonnel at the end of fiscal year 1993; and

16 (2) in any fiscal year beginning after September  
17 30, 1996, to a number that is less than—

18 (A) 95 percent of the number of such per-  
19 sonnel at the end of the immediately preceding  
20 fiscal year; or

21 (B) 90 percent of the number of such per-  
22 sonnel at the end of the third fiscal year pre-  
23 ceding the fiscal year.

1 (b) CERTIFICATION.—The Secretary may make a re-  
2 duction described in subsection (a) if the Secretary cer-  
3 tifies to Congress that—

4 (1) the number of medical personnel of the De-  
5 partment that is being reduced is excess to the cur-  
6 rent and projected needs of the military depart-  
7 ments; and

8 (2) such reduction will not result in an increase  
9 in the cost of health care services provided under the  
10 Civilian Health and Medical Program of the Uni-  
11 formed Services.

12 (c) REPORT ON PLANNED REDUCTIONS.—Not later  
13 than March 1, 1996, the Assistant Secretary of Defense  
14 having responsibility for health affairs, in consultation  
15 with Surgeon General of the Army, the Surgeon General  
16 of the Navy, and the Surgeon General of the Air Force,  
17 shall submit to the congressional defense committees a  
18 plan for the reduction of the number of medical personnel  
19 of the Department of Defense over the 5-year period be-  
20 ginning on October 1, 1996.

21 (d) REPEAL OF OBSOLETE PROVISIONS OF LAW.—

22 (1) Section 711 of the National Defense Authorization Act  
23 for Fiscal Year 1991 (10 U.S.C. 115 note) is repealed.

24 (2) Section 718 of the National Defense Authoriza-  
25 tion Act for Fiscal Years 1992 and 1993 (Public Law

1 102–190; 105 Stat. 1404; 10 U.S.C. 115 note) is amended  
2 by striking out subsection (b).

3 (3) Section 518 of the National Defense Authoriza-  
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 106  
5 Stat. 2407) is repealed.

6 (e) DEFINITION.—For purposes of this section, the  
7 term “medical personnel” has the meaning given such  
8 term in section 115a(g)(2) of title 10, United States Code,  
9 except that such term includes civilian personnel of the  
10 Department of Defense assigned to military medical facili-  
11 ties.

12 **SEC. 557. REPEAL OF REQUIREMENT FOR ATHLETIC DI-**  
13 **RECTOR AND NONAPPROPRIATED FUND AC-**  
14 **COUNT FOR THE ATHLETICS PROGRAMS AT**  
15 **THE SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—(1) Sec-  
17 tion 4357 of title 10, United States Code, is repealed.

18 (2) The table of sections at the beginning of chapter  
19 403 of such title is amended by striking out the item relat-  
20 ing to section 4357.

21 (b) UNITED STATES NAVAL ACADEMY.—Section 556  
22 of the National Defense Authorization Act for Fiscal Year  
23 1995 (Public Law 103–337; 108 Stat. 2774) is amended  
24 by striking out subsections (b), (d), and (e).

1 (c) UNITED STATES AIR FORCE ACADEMY.—(1) Sec-  
2 tion 9356 of title 10, United States Code, is repealed.

3 (2) The table of sections at the beginning of chapter  
4 903 of such title is amended by striking out the item relat-  
5 ing to section 9356.

6 **SEC. 558. PROHIBITION ON USE OF FUNDS FOR SERVICE**  
7 **ACADEMY PREPARATORY SCHOOL TEST PRO-**  
8 **GRAM.**

9 Notwithstanding any other provision of law, none of  
10 the funds authorized to be appropriated by this Act, or  
11 otherwise made available, to the Department of Defense  
12 may be obligated to carry out a test program for determin-  
13 ing the cost effectiveness of transferring to the private sec-  
14 tor the mission of operating one or more preparatory  
15 schools for the United States Military Academy, the  
16 United States Naval Academy, and the United States Air  
17 Force Academy.

18 **SEC. 559. CENTRALIZED JUDICIAL REVIEW OF DEPART-**  
19 **MENT OF DEFENSE PERSONNEL ACTIONS.**

20 (a) ESTABLISHMENT.—The Secretary of Defense and  
21 the Attorney General shall jointly establish an advisory  
22 panel on centralized review of Department of Defense ad-  
23 ministrative personnel actions.

24 (b) MEMBERSHIP.—(1) The panel shall be composed  
25 of five members appointed as follows:

1           (A) One member appointed by the Chief Justice  
2 of the United States.

3           (B) Three members appointed by the Secretary  
4 of Defense.

5           (C) One member appointed by the Attorney  
6 General.

7           (2) The Secretary of Defense shall designate one of  
8 the members appointed under paragraph (1)(B) to serve  
9 as chairman of the panel.

10          (3) All members shall be appointed not later than 30  
11 days after the date of the enactment of this Act.

12          (4) The panel shall meet at the call of the chairman.  
13 The panel shall hold its first meeting not later than 30  
14 days after the date on which all members have been ap-  
15 pointed.

16          (c) DUTIES.—The panel shall review, and provide  
17 findings and recommendations in accordance with sub-  
18 section (d) regarding, the following matters:

19           (1) Whether the existing practices with regard  
20 to judicial review of administrative personnel actions  
21 of the Department of Defense are appropriate and  
22 adequate.

23           (2) Whether a centralized judicial review of ad-  
24 ministrative personnel actions should be established.



1 on which the report required by subsection (d) is submit-  
2 ted.

3 (b) COST-BENEFIT ANALYSIS.—The Secretary of the  
4 Army shall conduct a comparative cost-benefit analysis of  
5 various options for the reorganization of the regional head-  
6 quarters and basic camp structure of the Army ROTC  
7 program. As part of such analysis, the Secretary shall  
8 measure each reorganization option considered against a  
9 common set of criteria.

10 (c) SELECTION OF REORGANIZATION OPTION FOR  
11 IMPLEMENTATION.—Based on the findings resulting from  
12 the cost-benefit analysis under subsection (b) and such  
13 other factors as the Secretary considers appropriate, the  
14 Secretary shall select one reorganization option for imple-  
15 mentation. The Secretary may select an option for imple-  
16 mentation only if the Secretary finds that the cost-benefit  
17 analysis and other factors considered clearly demonstrate  
18 that such option, better than any other option consid-  
19 ered—

20 (1) provides the structure to meet projected  
21 mission requirements;

22 (2) achieves the most significant personnel and  
23 cost savings;

24 (3) uses existing basic and advanced camp fa-  
25 cilities to the maximum extent possible;

1           (4) minimizes additional military construction  
2 costs; and

3           (5) makes maximum use of the reserve compo-  
4 nents to support basic and advanced camp oper-  
5 ations, thereby minimizing the effect of those oper-  
6 ations on active duty units.

7       (d) REPORT.—Not later than 60 days after the date  
8 of the enactment of this Act, the Secretary of the Army  
9 shall submit to the Committee on Armed Services of the  
10 Senate and the Committee on National Security of the  
11 House of Representatives a report describing the reorga-  
12 nization option selected under subsection (c). The report  
13 shall include the results of the cost-benefit analysis under  
14 subsection (b) and a detailed rationale for the reorganiza-  
15 tion option selected.

16       **TITLE VI—COMPENSATION AND**  
17       **OTHER PERSONNEL BENEFITS**

18       **Subtitle A—Pay and Allowances**

19       **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

20       (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any  
21 adjustment required by section 1009 of title 37, United  
22 States Code, in elements of compensation of members of  
23 the uniformed services to become effective during fiscal  
24 year 1996 shall not be made.

1 (b) INCREASE IN BASIC PAY AND BAS.—Effective on  
2 January 1, 1996, the rates of basic pay and basic allow-  
3 ance for subsistence of members of the uniformed services  
4 are increased by 2.4 percent.

5 (c) INCREASE IN BAQ.—Effective on January 1,  
6 1996, the rates of basic allowance for quarters of members  
7 of the uniformed services are increased by 5.2 percent.

8 **SEC. 602. ELECTION OF BASIC ALLOWANCE FOR QUARTERS**  
9 **INSTEAD OF ASSIGNMENT TO INADEQUATE**  
10 **QUARTERS.**

11 (a) ELECTION AUTHORIZED.—Section 403(b) of title  
12 37, United States Code, is amended—

13 (1) by inserting “(1)” after “(b)”;

14 (2) by designating the second sentence as para-  
15 graph (2) and, as so designated, by striking out  
16 “However, subject” and inserting in lieu thereof  
17 “Subject”; and

18 (3) by adding at the end the following:

19 “(3) A member without dependents who is in pay  
20 grade E-6 and who is assigned to quarters of the United  
21 States that do not meet the minimum adequacy standards  
22 established by the Department of Defense for members  
23 in such pay grade, or to a housing facility under the juris-  
24 diction of a uniformed service that does not meet such  
25 standards, may elect not to occupy such quarters or facil-

1 ity and instead to receive the basic allowance for quarters  
2 prescribed for his pay grade by this section.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on July 1, 1996.

5 **SEC. 603. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS**  
6 **TO MEMBERS OF THE UNIFORMED SERVICES**  
7 **IN PAY GRADE E-6 WHO ARE ASSIGNED TO**  
8 **SEA DUTY.**

9 (a) PAYMENT AUTHORIZED.—Section 403(c)(2) of  
10 title 37, United States Code, is amended—

11 (1) in the first sentence, by striking out “E-7”  
12 and inserting in lieu thereof “E-6”; and

13 (2) in the second sentence, by striking out “E-  
14 6” and inserting in lieu thereof “E-5”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on July 1, 1996.

17 **SEC. 604. LIMITATION ON REDUCTION OF VARIABLE HOUS-**  
18 **ING ALLOWANCE FOR CERTAIN MEMBERS.**

19 (a) LIMITATION ON REDUCTION IN VHA.—Sub-  
20 section (c)(3) of section 403a of title 37, United States  
21 Code, is amended by adding at the end the following new  
22 sentence: “However, on and after January 1, 1996, the  
23 monthly amount of a variable housing allowance under  
24 this section for a member of a uniformed service with re-  
25 spect to an area may not be reduced so long as the mem-

1 ber retains uninterrupted eligibility to receive a variable  
2 housing allowance within that area and the member's cer-  
3 tified housing costs are not reduced, as indicated by cer-  
4 tifications provided by the member under subsection  
5 (b)(4).”.

6 (b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR  
7 VHA.—Subsection (d)(3) of such section is amended by  
8 inserting after the first sentence the following new sen-  
9 tence: “In addition, the total amount determined under  
10 paragraph (1) shall be adjusted to ensure that sufficient  
11 amounts are available to allow payment of any additional  
12 amounts of variable housing allowance necessary as a re-  
13 sult of the requirements of the second sentence of sub-  
14 section (c)(3).”.

15 (c) REPORT ON IMPLEMENTATION.—Not later than  
16 June 1, 1996, the Secretary of Defense shall submit to  
17 Congress a report describing the procedures to be used  
18 to implement the amendments made by this section and  
19 the costs of such amendments.

20 **SEC. 605. CLARIFICATION OF LIMITATION ON ELIGIBILITY**  
21 **FOR FAMILY SEPARATION ALLOWANCE.**

22 Section 427(b)(4) of title 37, United States Code, is  
23 amended by inserting “paragraph (1)(A) of” after “not  
24 entitled to an allowance under” in the first sentence.

1     **Subtitle B—Bonuses and Special**  
2                   **and Incentive Pays**

3     **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**  
4                   **FORCES.**

5           (a) **SELECTED RESERVE REENLISTMENT BONUS.**—  
6     Section 308b(f) of title 37, United States Code, is amend-  
7     ed by striking out “September 30, 1996” and inserting  
8     in lieu thereof “September 30, 1997”.

9           (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-  
10     tion 308c(e) of title 37, United States Code, is amended  
11     by striking out “September 30, 1996” and inserting in  
12     lieu thereof “September 30, 1997”.

13          (c) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-  
14     tion 308e(e) of title 37, United States Code, is amended  
15     by striking out “September 30, 1996” and inserting in  
16     lieu thereof “September 30, 1997”.

17          (d) **READY RESERVE ENLISTMENT AND REENLIST-**  
18     **MENT BONUS.**—Section 308h(g) of title 37, United States  
19     Code, is amended by striking out “September 30, 1996”  
20     and inserting in lieu thereof “September 30, 1997”.

21          (e) **PRIOR SERVICE ENLISTMENT BONUS.**—Section  
22     308i(i) of title 37, United States Code, is amended by  
23     striking out “September 30, 1996” and inserting in lieu  
24     thereof “September 30, 1997”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
2 **PAY FOR NURSE OFFICER CANDIDATES, REG-**  
3 **ISTERED NURSES, AND NURSE ANES-**  
4 **THETISTS.**

5 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
6 GRAM.—Section 2130a(a)(1) of title 10, United States  
7 Code, is amended by striking out “September 30, 1996”  
8 and inserting in lieu thereof “September 30, 1997”.

9 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
10 Section 302d(a)(1) of title 37, United States Code, is  
11 amended by striking out “September 30, 1996” and in-  
12 serting in lieu thereof “September 30, 1997”.

13 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
14 THETISTS.—Section 302e(a)(1) of title 37, United States  
15 Code, is amended by striking out “September 30, 1996”  
16 and inserting in lieu thereof “September 30, 1997”.

17 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**  
18 **MENT OF OTHER BONUSES AND SPECIAL**  
19 **PAYS.**

20 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
21 tion 301b(a) of title 37, United States Code, is amended  
22 by striking out “September 30, 1996,” and inserting in  
23 lieu thereof “September 30, 1997”.

24 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
25 BERS.—Section 308(g) of title 37, United States Code, is

1 amended by striking out “September 30, 1996” and in-  
2 serting in lieu thereof “September 30, 1997”.

3 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—  
4 Sections 308a(c) and 308f(c) of title 37, United States  
5 Code, are each amended by striking out “September 30,  
6 1996” and inserting in lieu thereof “September 30,  
7 1997”.

8 (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE  
9 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-  
10 ORITY UNITS.—Section 308d(c) of title 37, United States  
11 Code, is amended by striking out “September 30, 1996”  
12 and inserting in lieu thereof “September 30, 1997”.

13 (e) REPAYMENT OF EDUCATION LOANS FOR CER-  
14 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
15 LECTED RESERVE.—Section 16302(d) of title 10, United  
16 States Code, is amended by striking out “October 1,  
17 1996” and inserting in lieu thereof “October 1, 1997”.

18 (f) SPECIAL PAY FOR CRITICALLY SHORT WARTIME  
19 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—  
20 Section 613(d) of the National Defense Authorization Act,  
21 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by  
22 striking out “September 30, 1996” and inserting in lieu  
23 thereof “September 30, 1997”.

24 (g) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-  
25 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section

1 312(e) of title 37, United States Code, is amended by  
2 striking out “September 30, 1996” and inserting in lieu  
3 thereof “September 30, 1997”.

4 (h) NUCLEAR CAREER ACCESSION BONUS.—Section  
5 312b(c) of title 37, United States Code, is amended by  
6 striking out “September 30, 1996” and inserting in lieu  
7 thereof “September 30, 1997”.

8 (i) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—  
9 Section 312c(d) of title 37, United States Code, is amend-  
10 ed by striking out “October 1, 1996” and inserting in lieu  
11 thereof “October 1, 1997”.

12 **SEC. 614. HAZARDOUS DUTY INCENTIVE PAY FOR WAR-**  
13 **RANT OFFICERS AND ENLISTED MEMBERS**  
14 **SERVING AS AIR WEAPONS CONTROLLERS.**

15 Section 301 of title 37, United States Code, is  
16 amended—

17 (1) in subsection (a)(11), by striking out “an  
18 officer (other than a warrant officer)” and inserting  
19 in lieu thereof “a member of a uniformed service”;  
20 and

21 (2) in subsection (c)(2)—

22 (A) by striking out “an officer” each place  
23 it appears and inserting in lieu thereof “a mem-  
24 ber”;

1 (B) in subparagraph (A), by striking out  
 2 the table and inserting in lieu thereof the fol-  
 3 lowing:

"Pay grade	Years of service as an air weapons controller							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	
"O-7 and above .....	\$200	\$200	\$200	\$200	\$200	\$200	\$200	
"O-6 .....	225	250	300	325	350	350	350	
"O-5 .....	200	250	300	325	350	350	350	
"O-4 .....	175	225	275	300	350	350	350	
"O-3 .....	125	156	188	206	250	300	350	
"O-2 .....	125	156	188	206	250	300	300	
"O-1 .....	125	156	188	206	250	250	250	
"W-4 .....	200	225	275	300	325	325	325	
"W-3 .....	175	225	275	300	325	325	325	
"W-2 .....	150	200	250	275	325	325	325	
"W-1 .....	100	125	150	175	225	225	225	
"E-9 .....	200	225	250	275	300	300	300	
"E-8 .....	200	225	250	275	300	300	300	
"E-7 .....	175	200	225	250	275	275	275	
"E-6 .....	156	175	200	225	250	250	250	
"E-5 .....	125	156	175	188	200	200	200	
"E-4 and below .....	125	156	175	188	200	200	200	
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O-7 and above .....	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$110
"O-6 .....	350	350	350	350	300	250	250	225
"O-5 .....	350	350	350	350	300	250	250	225
"O-4 .....	350	350	350	350	300	250	250	225
"O-3 .....	350	350	350	300	275	250	225	200
"O-2 .....	300	300	300	275	245	210	200	180
"O-1 .....	250	250	250	245	210	200	180	150
"W-4 .....	325	325	325	325	276	250	225	200
"W-3 .....	325	325	325	325	325	250	225	200
"W-2 .....	325	325	325	325	275	250	225	200
"W-1 .....	325	325	325	325	275	250	225	200
"E-9 .....	300	300	300	300	275	230	200	200
"E-8 .....	300	300	300	300	265	230	200	200
"E-7 .....	300	300	300	300	265	230	200	200
"E-6 .....	300	300	300	300	265	230	200	200
"E-5 .....	250	250	250	250	225	200	175	150
"E-4 and below .....	200	200	200	200	175	150	125	125";

4 and

5 (C) in subparagraph (B), by striking out  
 6 "the officer" each place it appears and insert-  
 7 ing in lieu thereof "the member".

8 **SEC. 615. AVIATION CAREER INCENTIVE PAY.**

9 (a) YEARS OF OPERATIONAL FLYING DUTIES RE-  
 10 QUIRED.—Paragraph (4) of section 301a(a) of title 37,  
 11 United States Code, is amended in the first sentence by  
 12 striking out "9" and inserting in lieu thereof "8".

13 (b) EXERCISE OF WAIVER AUTHORITY.—Paragraph  
 14 (5) of such section is amended by inserting after the sec-

1 ond sentence the following new sentence: “The Secretary  
2 concerned may not delegate the authority in the preceding  
3 sentence to permit the payment of incentive pay under this  
4 subsection.”.

5 **SEC. 616. CLARIFICATION OF AUTHORITY TO PROVIDE**  
6 **SPECIAL PAY FOR NURSES.**

7 Section 302c(d)(1) of title 37, United States Code,  
8 is amended—

9 (1) by striking out “or an officer” and inserting  
10 in lieu thereof “an officer”; and

11 (2) by inserting before the semicolon the follow-  
12 ing: “, an officer of the Nurse Corps of the Army  
13 or Navy, or an officer of the Air Force designated  
14 as a nurse”.

15 **SEC. 617. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY**  
16 **FOR CREW MEMBERS OF SHIPS DESIGNATED**  
17 **AS TENDERS.**

18 Section 305a(d)(1) of title 37, United States Code,  
19 is amended by striking out subparagraph (A) and insert-  
20 ing in lieu thereof the following:

21 “(A) while permanently or temporarily assigned  
22 to a ship, ship-based staff, or ship-based aviation  
23 unit and—

1           “(i) while serving on a ship the primary  
2 mission of which is accomplished while under  
3 way;

4           “(ii) while serving as a member of the off-  
5 crew of a two-crewed submarine; or

6           “(iii) while serving as a member of a ten-  
7 der-class ship (with the hull classification of  
8 submarine or destroyer); or”.

9 **SEC. 618. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY**  
10 **ASSIGNMENT PAY FOR ENLISTED MEMBERS**  
11 **SERVING AS RECRUITERS.**

12       (a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—  
13 Section 307(a) of title 37, United States Code, is amended  
14 by adding at the end the following new sentence: “In the  
15 case of a member who is serving as a military recruiter  
16 and is eligible for special duty assignment pay under this  
17 subsection by reason of such duty, the Secretary con-  
18 cerned may increase the monthly rate of special duty as-  
19 signment pay for the member to not more than \$375.”.

20       (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall take effect on January 1, 1996.

1                   **Subtitle C—Travel and**  
2                   **Transportation Allowances**

3   **SEC. 621. CALCULATION ON BASIS OF MILEAGE TABLES OF**  
4                   **SECRETARY OF DEFENSE: REPEAL OF RE-**  
5                   **QUIREMENT.**

6           Section 404(d)(1)(A) of title 37, United States Code,  
7 is amended by striking out “, based on distances estab-  
8 lished over the shortest usually traveled route, under mile-  
9 age tables prepared under the direction of the Secretary  
10 of Defense”.

11   **SEC. 622. DEPARTURE ALLOWANCES.**

12           (a) **ELIGIBILITY WHEN EVACUATION AUTHORIZED**  
13 **BUT NOT ORDERED.**—Section 405a(a) of title 37, United  
14 States Code, is amended by striking out “ordered” each  
15 place it appears and inserting in lieu thereof “authorized  
16 or ordered”.

17           (b) **EFFECTIVE DATE AND APPLICABILITY.**—The  
18 amendment made by subsection (a) shall take effect on  
19 October 1, 1995, and shall apply to persons authorized  
20 or ordered to depart as described in section 405a(a) of  
21 title 37, United States Code, on or after such date.

1 **SEC. 623. DISLOCATION ALLOWANCE FOR MOVES RESULT-**  
2 **ING FROM A BASE CLOSURE OR REALIGN-**  
3 **MENT.**

4 Section 407(a) of title 37, United States Code, is  
5 amended by—

6 (1) by striking out “or” at the end of para-  
7 graph (3);

8 (2) by striking out the period at the end of  
9 paragraph (4) and inserting in lieu thereof “; or”;  
10 and

11 (3) by adding at the end the following:

12 “(5) the member is ordered to move in connec-  
13 tion with the closure or realignment of a military in-  
14 stallation and, as a result, the member’s dependents  
15 actually move or, in the case of a member without  
16 dependents, the member actually moves.”.

17 **SEC. 624. TRANSPORTATION OF NONDEPENDENT CHILD**  
18 **FROM SPONSOR’S STATION OVERSEAS AFTER**  
19 **LOSS OF DEPENDENT STATUS WHILE OVER-**  
20 **SEAS.**

21 Section 406(h)(1) of title 37, United States Code, is  
22 amended by striking out the last sentence and inserting  
23 in lieu thereof the following new sentence: “If a member  
24 receives for an unmarried child of the member transpor-  
25 tation in kind to the member’s station outside the United  
26 States or in Hawaii or Alaska, reimbursement therefor,

1 or a monetary allowance in place thereof and, while the  
2 member is serving at that station, the child ceases to be  
3 a dependent of the member by reason of ceasing to satisfy  
4 an age requirement in section 401(a)(2) of this title or  
5 ceasing to be enrolled in an institution of higher education  
6 as described in subparagraph (C) of such section, the child  
7 shall be treated as a dependent of the member for pur-  
8 poses of this subsection.”.

9 **Subtitle D—Commissaries and**  
10 **Nonappropriated Fund Instru-**  
11 **mentalities**

12 **SEC. 631. USE OF COMMISSARY STORES BY MEMBERS OF**  
13 **THE READY RESERVE.**

14 (a) PERIOD OF USE.—Section 1063 of title 10, Unit-  
15 ed States Code, is amended—

16 (1) in subsection (a)(1)—

17 (A) by inserting “for a period of one year  
18 on the same basis as members on active duty”  
19 before the period at the end of the first sen-  
20 tence; and

21 (B) by striking out the second sentence;

22 (2) by striking out subsection (b); and

23 (3) by redesignating subsection (c) as sub-  
24 section (b).

1 (b) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) The heading for such section is amended to read as  
3 follows:

4 **“§1063. Commissary stores: use by members of the**  
5 **Ready Reserve”.**

6 (2) The item relating to such section in the table of  
7 sections at the beginning of chapter 54 of title 10, United  
8 State Code, is amended to read as follows:

“1063. Commissary stores: use by members of the Ready Reserve.”.

9 **SEC. 632. USE OF COMMISSARY STORES BY RETIRED RE-**  
10 **SERVES UNDER AGE 60 AND THEIR SURVI-**  
11 **VORS.**

12 (a) ELIGIBILITY.—Section 1064 of title 10, United  
13 States Code, is amended to read as follows:

14 **“§1064. Commissary stores: use by retired Reserves**  
15 **under age 60 and their survivors**

16 “(a) RETIRED RESERVES UNDER AGE 60.—Mem-  
17 bers of the reserve components under 60 years of age who,  
18 but for age, would be eligible for retired pay under chapter  
19 1223 of this title (or under chapter 67 of this title as in  
20 effect before December 1, 1994) shall be authorized to use  
21 commissary stores of the Department of Defense on the  
22 same basis as members and former members of the armed  
23 forces who have retired entitled to retired or retainer pay  
24 under chapter 367, 571, or 867 of this title.

1       “(b) SURVIVORS.—If a person authorized to use com-  
 2       missary stores under subsection (a) dies before attaining  
 3       60 years of age, the surviving dependents of the deceased  
 4       person shall be authorized to use commissary stores of the  
 5       Department of Defense on the same basis as the surviving  
 6       dependents of persons who die after being retired entitled  
 7       to retired or retainer pay under chapter 367, 571, or 867  
 8       of this title.

9       “(c) USE SUBJECT TO REGULATIONS.—Use of com-  
 10       missary stores under this section is subject to regulations  
 11       prescribed by the Secretary of Defense.”.

12       (b) CLERICAL AMENDMENT.—The item relating to  
 13       such section in the table of sections at the beginning of  
 14       chapter 54 of title 10, United States Code, is amended  
 15       to read as follows:

“1064. Commissary stores: use by retired Reserves under age 60 and their sur-  
 vivors.”.

16       **SEC. 633. USE OF MORALE, WELFARE, AND RECREATION**  
 17                               **FACILITIES BY MEMBERS OF RESERVE COM-**  
 18                               **ONENTS AND DEPENDENTS: CLARIFICATION**  
 19                               **OF ENTITLEMENT.**

20       Section 1065 of title 10, United States Code, is  
 21       amended to read as follows:

1 **“§ 1065. Use of certain morale, welfare, and recre-**  
2 **ation facilities by members of reserve**  
3 **components and dependents**

4 “(a) MEMBERS OF THE SELECTED RESERVE.—Mem-  
5 bers of the Selected Reserve in good standing (as deter-  
6 mined by the Secretary concerned) shall be permitted to  
7 use MWR retail facilities on the same basis as members  
8 on active duty.

9 “(b) MEMBERS OF READY RESERVE NOT IN SE-  
10 LECTED RESERVE.—Subject to such regulations as the  
11 Secretary of Defense may prescribe, members of the  
12 Ready Reserve (other than members of the Selected Re-  
13 serve) may be permitted to use MWR retail facilities on  
14 the same basis as members serving on active duty.

15 “(c) RETIREES UNDER AGE 60.—Members of the re-  
16 serve components under 60 years of age who, but for age,  
17 would be eligible for retired pay under chapter 1223 of  
18 this title (or under chapter 67 of this title as in effect  
19 before December 1, 1994) shall be permitted to use MWR  
20 retail facilities on the same basis as members and former  
21 members of the armed forces who have retired entitled to  
22 retired or retainer pay under chapter 367, 571, or 867  
23 of this title.

24 “(d) DEPENDENTS.—(1) Dependents of members re-  
25 ferred to in subsection (a) shall be permitted to use MWR

1 retail facilities on the same basis as dependents of mem-  
2 bers on active duty.

3 “(2) Dependents of members referred to in sub-  
4 section (c) shall be permitted to use MWR retail facilities  
5 on the same basis as dependents of members and former  
6 members of the armed forces who have retired entitled to  
7 retired or retainer pay under chapter 367, 571, or 867  
8 of this title.

9 “(e) MWR RETAIL FACILITY DEFINED.—In this sec-  
10 tion, the term ‘MWR retail facilities’ means exchange  
11 stores and other revenue generating facilities operated by  
12 nonappropriated fund activities of the Department of De-  
13 fense for the morale, welfare, and recreation of members  
14 of the armed forces.”.

## 15 **Subtitle E—Other Matters**

### 16 **SEC. 641. COST-OF-LIVING INCREASES FOR RETIRED PAY.**

17 (a) MODIFICATION OF DELAYS.—Clause (ii) of sec-  
18 tion 1401a(b)(2)(B) of title 10, United States Code, is  
19 amended—

20 (1) by striking out “1994, 1995, 1996, or  
21 1997” and inserting in lieu thereof “1994 or 1995”;  
22 and

23 (2) by striking out “September” and inserting  
24 in lieu thereof “March”.

1 (b) CONFORMING AMENDMENT.—The captions for  
2 such section 1401a(2)(B) and for clause (ii) of such sec-  
3 tion are amended by striking out “THROUGH 1998” and  
4 inserting in lieu thereof “THROUGH 1996”.

5 (c) REPEAL OF SUPERSEDED PROVISION.—Section  
6 8114A of Public Law 103–335 (108 Stat. 2648) is re-  
7 pealed.

8 **SEC. 642. ELIGIBILITY FOR RETIRED PAY FOR NON-REGU-**  
9 **LAR SERVICE DENIED FOR MEMBERS RE-**  
10 **CEIVING CERTAIN SENTENCES IN COURTS-**  
11 **MARTIAL.**

12 Section 12731 of title 10, United States Code, is  
13 amended—

14 (1) by redesignating subsections (d), (e), and  
15 (f) as subsections (e), (f), and (g), respectively; and

16 (2) by inserting after subsection (c) the follow-  
17 ing new subsection:

18 “(d) A person who is convicted of an offense under  
19 the Uniform Code of Military Justice (chapter 47 of this  
20 title), and whose executed sentence includes death, a dis-  
21 honorable discharge, a bad conduct discharge, or (in the  
22 case of an officer) a dismissal is not eligible for retired  
23 pay under this chapter.”.

1 **SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN**  
2 **GARNISHMENT ACTIONS.**

3 (a) IN GENERAL.—Subsection (j) of section 5520a of  
4 title 5, United States Code, is amended by striking out  
5 paragraph (2) and inserting in lieu thereof the following  
6 new paragraph (2):

7 “(2) Such regulations shall provide that an agency’s  
8 administrative costs in executing legal process to which  
9 the agency is subject under this section shall be deducted  
10 from the amount withheld from the pay of the employee  
11 concerned pursuant to the legal process.”.

12 (b) INVOLUNTARY ALLOTMENTS OF PAY OF MEM-  
13 BERS OF THE UNIFORMED SERVICES.—Subsection (k) of  
14 such section is amended—

15 (1) by redesignating paragraph (3) as para-  
16 graph (4); and

17 (2) by inserting after paragraph (2) the follow-  
18 ing new paragraph (3):

19 “(3) Regulations under this subsection may also pro-  
20 vide that the administrative costs in establishing and  
21 maintaining an involuntary allotment be deducted from  
22 the amount withheld from the pay of the member of the  
23 uniformed services concerned pursuant to such regula-  
24 tions.”.

1 (c) DISPOSITION OF AMOUNTS WITHHELD FOR AD-  
2 MINISTRATIVE EXPENSES.—Such section is further  
3 amended by adding at the end the following:

4 “(l) The amount of an agency’s administrative costs  
5 deducted under regulations prescribed pursuant to sub-  
6 section (j)(2) or (k)(2) shall be credited to the appropria-  
7 tion, fund, or account from which such administrative  
8 costs were paid.”.

9 **SEC. 644. AUTOMATIC MAXIMUM COVERAGE UNDER SERV-**  
10 **ICEMEN’S GROUP LIFE INSURANCE.**

11 Section 1967 of title 38, United States Code, is  
12 amended—

13 (1) in subsections (a) and (c), by striking out  
14 “\$100,000” each place it appears and inserting in  
15 lieu thereof in each instance “\$200,000”;

16 (2) by striking out subsection (e); and

17 (3) by redesignating subsection (f) as sub-  
18 section (e).

19 **SEC. 645. TERMINATION OF SERVICEMEN’S GROUP LIFE IN-**  
20 **SURANCE FOR MEMBERS OF THE READY RE-**  
21 **SERVE WHO FAIL TO PAY PREMIUMS.**

22 Section 1968(a)(4) of title 38, United States Code,  
23 is amended—

1           (1) by striking out the period at the end of sub-  
2 paragraph (C) and inserting in lieu thereof a semi-  
3 colon; and

4           (2) by adding at the end the following:

5           “except that, if the member fails to make a direct  
6 remittance of a premium for the insurance to the  
7 Secretary when required to do so, the insurance  
8 shall cease with respect to the member 120 days  
9 after the date on which the Secretary transmits a  
10 notification of the termination by mail addressed to  
11 the member at the member’s last known address,  
12 unless the Secretary accepts from the member full  
13 payment of the premiums in arrears within such  
14 120-day period.”.

15 **SEC. 646. REPORT ON EXTENDING TO JUNIOR NON-**  
16 **COMMISSIONED OFFICERS PRIVILEGES PRO-**  
17 **VIDED FOR SENIOR NONCOMMISSIONED OF-**  
18 **FICERS.**

19           (a) REPORT REQUIRED.—Not later than February 1,  
20 1996, the Secretary of Defense shall submit to Congress  
21 a report containing the determinations of the Secretary  
22 regarding whether, in order to improve the working condi-  
23 tions of noncommissioned officers in pay grades E-5 and  
24 E-6, any of the privileges afforded noncommissioned offi-  
25 cers in any of the pay grades above E-6 should be ex-

1 tended to noncommissioned officers in pay grades E-5 and  
2 E-6.

3 (b) SPECIFIC RECOMMENDATION REGARDING ELEC-  
4 TION OF BAS.—The Secretary shall include in the report  
5 a determination on whether noncommissioned officers in  
6 pay grades E-5 and E-6 should be afforded the same  
7 privilege as noncommissioned officers in pay grades above  
8 E-6 to elect to mess separately and receive the basic al-  
9 lowance for subsistence.

10 (c) ADDITIONAL MATTERS.—The report shall also  
11 contain a discussion of the following matters:

12 (1) The potential costs of extending additional  
13 privileges to noncommissioned officers in pay grades  
14 E-5 and E-6.

15 (2) The effects on readiness that would result  
16 from extending the additional privileges.

17 (3) The options for extending the privileges on  
18 an incremental basis over an extended period.

19 (d) RECOMMENDED LEGISLATION.—The Secretary  
20 shall include in the report any recommended legislation  
21 that the Secretary considers necessary in order to author-  
22 ize extension of a privilege as determined appropriate  
23 under subsection (a).

1 **SEC. 647. PAYMENT TO SURVIVORS OF DECEASED MEM-**  
2 **BERS OF THE UNIFORMED SERVICES FOR**  
3 **ALL LEAVE ACCRUED.**

4 (a) INAPPLICABILITY OF 60-DAY LIMITATION.—Sec-  
5 tion 501(d) of title 37, United States Code, is amended—

6 (1) in paragraph (1), by striking out the third  
7 sentence; and

8 (2) by striking out paragraph (2) and inserting  
9 in lieu thereof the following:

10 “(2) The limitations in the second sentence of sub-  
11 section (b)(3), subsection (f), and the second sentence of  
12 subsection (g) shall not apply with respect to a payment  
13 made under this subsection.”.

14 (b) CONFORMING AMENDMENT.—Section 501(f) of  
15 such title is amended by striking out “, (d),” in the first  
16 sentence.

17 **SEC. 648. ANNUITIES FOR CERTAIN MILITARY SURVIVING**  
18 **SPOUSES.**

19 (a) STUDY REQUIRED.—(1) The Secretary of De-  
20 fense shall conduct a study to determine the quantitative  
21 results (described in subsection (b)) of enactment and ex-  
22 ercise of authority for the Secretary of the military depart-  
23 ment concerned to pay an annuity to the qualified surviv-  
24 ing spouse of each member of the Armed Forces who—

1 (A) died before March 21, 1974, and was enti-  
2 tled to retired or retainer pay on the date of death;  
3 or

4 (B) was a member of a reserve component of  
5 the Armed Forces during the period beginning on  
6 September 21, 1972, and ending on October 1,  
7 1978, and at the time of his death would have been  
8 entitled to retired pay under chapter 67 of title 10,  
9 United States Code (as in effect before December 1,  
10 1994), but for the fact that he was under 60 years  
11 of age.

12 (2) A qualified surviving spouse for purposes of para-  
13 graph (1) is a surviving spouse who has not remarried and  
14 who is not eligible for an annuity under section 4 of Public  
15 Law 92-425 (10 U.S.C. 1448 note).

16 (b) REQUIRED DETERMINATIONS.—By means of the  
17 study required under subsection (a), the Secretary shall  
18 determine the following matters:

19 (1) The number of unremarried surviving  
20 spouses of deceased members and deceased former  
21 members of the Armed Forces referred to in sub-  
22 paragraph (A) of subsection (a)(1) who would be eli-  
23 gible for an annuity under authority described in  
24 such subsection.

1           (2) The number of unremarried surviving  
2 spouses of deceased members and deceased former  
3 members of reserve components of the Armed Forces  
4 referred to in subparagraph (B) of subsection (a)(1)  
5 who would be eligible for an annuity under authority  
6 described in such subsection.

7           (3) The number of persons in each group of  
8 unremarried former spouses described in paragraphs  
9 (1) and (2) who are receiving a widow's insurance  
10 benefit or a widower's insurance benefit under title  
11 II of the Social Security Act on the basis of employ-  
12 ment of a deceased member or deceased former  
13 member referred to in subsection (a)(1).

14       (c) REPORT.—(1) Not later than March 1, 1996, the  
15 Secretary of Defense shall submit to the Committee on  
16 Armed Services of the Senate and the Committee on Na-  
17 tional Security of the House of Representatives a report  
18 on the results of the study.

19       (2) The Secretary shall include in the report a rec-  
20 ommendation on the amount of the annuity that should  
21 be authorized to be paid under any authority described  
22 in subsection (a)(1) together with a recommendation on  
23 whether the annuity should be adjusted annually to offset  
24 increases in the cost of living.

1 **SEC. 649. TRANSITIONAL COMPENSATION FOR DEPEND-**  
 2 **ENTS OF MEMBERS OF THE ARMED FORCES**  
 3 **SEPARATED FOR DEPENDENT ABUSE.**

4 (a) CLARIFICATION OF ENTITLEMENT.—Section  
 5 1059(d) of title 10, United States Code, is amended by  
 6 striking out “of a separation from active duty as” in the  
 7 first sentence.

8 (b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—  
 9 Section 554(b)(1) of the National Defense Authorization  
 10 Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059  
 11 note) is amended by striking out “the date of the enact-  
 12 ment of this Act—” and inserting in lieu thereof “April  
 13 1, 1994—”.

14 **TITLE VII—HEALTH CARE**  
 15 **Subtitle A—Health Care Services**

16 **SEC. 701. MEDICAL CARE FOR SURVIVING DEPENDENTS OF**  
 17 **RETIRED RESERVES WHO DIE BEFORE**  
 18 **AGE 60.**

19 Section 1076(b) of title 10, United States Code, is  
 20 amended—

21 (1) in clause (2)—

22 (A) by striking out “death (A) would” and  
 23 inserting in lieu thereof “death would”; and

24 (B) by striking out “, and (B) had elected  
 25 to participate in the Survivor Benefit Plan es-

1           tablished under subchapter II of chapter 73 of  
2           this title”; and

3           (2) in the second sentence, by striking out  
4           “without regard to subclause (B) of such clause”.

5   **SEC. 702. DENTAL INSURANCE FOR MEMBERS OF THE SE-**  
6                                   **LECTED RESERVE.**

7           (a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of  
8   title 10, United States Code, is amended by inserting after  
9   section 1076a the following new section:

10   **“§ 1076b. Selected Reserve dental insurance**

11           “(a) AUTHORITY TO ESTABLISH PLAN.—The Sec-  
12   retary of Defense shall establish a dental insurance plan  
13   for members of the Selected Reserve of the Ready Reserve.  
14   The plan shall provide for voluntary enrollment and for  
15   premium sharing between the Department of Defense and  
16   the members enrolled in the plan. The plan shall be ad-  
17   ministered under regulations prescribed by the Secretary  
18   of Defense.

19           “(b) PREMIUM SHARING.—(1) A member enrolling in  
20   the dental insurance plan shall pay a share of the premium  
21   charged for the insurance coverage. The member’s share  
22   may not exceed \$25 per month.

23           “(2) The Secretary of Defense may reduce the  
24   monthly premium required to be paid by enlisted members  
25   under paragraph (1) if the Secretary determines that the

1 reduction is appropriate in order to assist enlisted mem-  
2 bers to participate in the dental insurance plan.

3 “(3) A member’s share of the premium for coverage  
4 by the dental insurance plan shall be deducted and with-  
5 held from the basic pay payable to the member for inactive  
6 duty training and from the basic pay payable to the mem-  
7 ber for active duty.

8 “(4) The Secretary of Defense shall pay the portion  
9 of the premium charged for coverage of a member under  
10 the dental insurance plan that exceeds the amount paid  
11 by the member.

12 “(c) BENEFITS AVAILABLE UNDER THE PLAN.—The  
13 dental insurance plan shall provide benefits for basic den-  
14 tal care and treatment, including diagnostic services, pre-  
15 ventative services, basic restorative services, and emer-  
16 gency oral examinations.

17 “(d) TERMINATION OF COVERAGE.—The coverage of  
18 a member by the dental insurance plan shall terminate  
19 on the last day of the month in which the member is dis-  
20 charged, transfers to the Individual Ready Reserve,  
21 Standby Reserve, or Retired Reserve, or is ordered to ac-  
22 tive duty for a period of more than 30 days.”.

23 (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 1076a the following:

“1076b. Selected Reserve dental insurance.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the  
2 funds authorized to be appropriated under section  
3 301(16), \$9,000,000 shall be available to pay the Depart-  
4 ment of Defense share of the premium required for mem-  
5 bers covered by the dental insurance plan established pur-  
6 suant to section 1076b of title 10, United States Code,  
7 as added by subsection (a).

8 **SEC. 703. MODIFICATION OF REQUIREMENTS REGARDING**  
9 **ROUTINE PHYSICAL EXAMINATIONS AND IM-**  
10 **MUNIZATIONS UNDER CHAMPUS.**

11 Section 1079(a) of title 10, United States Code, is  
12 amended by striking out paragraph (2) and inserting in  
13 lieu thereof the following new paragraph:

14 “(2) consistent with such regulations as the  
15 Secretary of Defense may prescribe regarding the  
16 content of health promotion and disease prevention  
17 visits, the schedule of pap smears and mammo-  
18 grams, and the types and schedule of immuniza-  
19 tions—

20 “(A) for dependents under six years of age,  
21 both health promotion and disease prevention  
22 visits and immunizations may be provided; and

23 “(B) for dependents six years of age or  
24 older, health promotion and disease prevention  
25 visits may be provided in connection with im-



1 identification that are prescribed by the Secretary of  
2 Defense;

3 “(B) provide for a special enrollment period of  
4 at least 90 days to be scheduled at some time proximate to the date on which the military medical  
5 treatment facility involved is scheduled to be closed;  
6 and  
7

8 “(C) provide that, with respect to individuals  
9 who enroll pursuant to paragraph (1), the increase  
10 in premiums under section 1839(b) due to late enrollment under this part shall not apply.  
11

12 “(3) For purposes of this subsection—

13 “(A) the term ‘covered beneficiary’ has the  
14 meaning given such term in section 1072(5) of title  
15 10, United States Code;

16 “(B) the term ‘military medical treatment facility’ means a facility of a uniformed service referred  
17 to in section 1074(a) of title 10, United States Code,  
18 in which health care is provided; and  
19

20 “(C) the terms ‘military installation’ and ‘re-  
21 alignment’ have the meanings given such terms—

22 “(i) in section 209 of the Defense Author-  
23 ization Amendments and Base Closure and Re-  
24 alignment Act (10 U.S.C. 2687 note), in the

1 case of a closure or realignment under title II  
2 of such Act;

3 “(ii) in section 2910 of the Defense Base  
4 Closure and Realignment Act of 1990 (title  
5 XXIX of Public Law 101–510; 10 U.S.C. 2687  
6 note), in the case of a closure or realignment  
7 under such Act; or

8 “(iii) in subsection (e) of section 2687 of  
9 title 10, United States Code, in the case of a  
10 closure or realignment under such section.”.

## 11 **Subtitle B—TRICARE Program**

### 12 **SEC. 711. DEFINITION OF TRICARE PROGRAM AND OTHER** 13 **TERMS.**

14 In this subtitle:

15 (1) The term “TRICARE program” means the  
16 managed health care program that is established by  
17 the Secretary of Defense under the authority of  
18 chapter 55 of title 10, United States Code, prin-  
19 cipally section 1097 of such title, and includes the  
20 competitive selection of contractors to financially un-  
21 derwrite the delivery of health care services under  
22 the Civilian Health and Medical Program of the  
23 Uniformed Services.

24 (2) The term “covered beneficiary” means a  
25 beneficiary under chapter 55 of title 10, United

1 States Code, including a beneficiary under section  
2 1074(a) of such title.

3 (3) The term “Uniformed Services Treatment  
4 Facility” means a facility deemed to be a facility of  
5 the uniformed services by virtue of section 911(a) of  
6 the Military Construction Authorization Act, 1982  
7 (42 U.S.C. 248c(a)).

8 (4) The term “administering Secretaries” has  
9 the meaning given such term in section 1072(3) of  
10 title 10, United States Code.

11 **SEC. 712. PROVISION OF TRICARE UNIFORM BENEFITS BY**  
12 **UNIFORMED SERVICES TREATMENT FACILI-**  
13 **TIES.**

14 (a) REQUIREMENT.—Subject to subsection (b), upon  
15 the implementation of the TRICARE program in the  
16 catchment area served by a Uniformed Services Treatment  
17 Facility, the facility shall provide to the covered bene-  
18 ficiaries enrolled in a health care plan of such facility the  
19 same health care benefits (subject to the same conditions  
20 and limitations) as are available to covered beneficiaries  
21 in that area under the TRICARE program.

22 (b) EFFECT ON CURRENT ENROLLEES.—(1) A cov-  
23 ered beneficiary who has been continuously enrolled on  
24 and after October 1, 1995, in a health care plan offered  
25 by a Uniformed Services Treatment Facility pursuant to

1 a contract between the Secretary of Defense and the facil-  
2 ity may elect to continue to receive health care benefits  
3 in accordance with the plan instead of benefits in accord-  
4 ance with subsection (a).

5 (2) The Uniform Services Treatment Facility con-  
6 cerned shall continue to provide benefits to a covered bene-  
7 ficiary in accordance with an election of benefits by that  
8 beneficiary under paragraph (1). The requirement to do  
9 so shall terminate on the effective date of any contract  
10 between the Secretary of Defense and the facility that—

11 (A) is entered into on or after the date of the  
12 election; and

13 (B) requires the health care plan offered by the  
14 facility for covered beneficiaries to provide health  
15 care benefits in accordance with subsection (a).

16 **SEC. 713. SENSE OF SENATE ON ACCESS OF MEDICARE ELI-**  
17 **GIBLE BENEFICIARIES OF CHAMPUS TO**  
18 **HEALTH CARE UNDER TRICARE.**

19 It is the sense of the Senate—

20 (1) that the Secretary of Defense should de-  
21 velop a program to ensure that covered beneficiaries  
22 who are eligible for medicare under title XVIII of  
23 the Social Security Act (42 U.S.C. 1395 et seq.) and  
24 who reside in a region in which the TRICARE pro-  
25 gram has been implemented have adequate access to

1 health care services after the implementation of the  
2 TRICARE program in that region; and

3 (2) to support strongly, as a means of ensuring  
4 such access, the reimbursement of the Department  
5 of Defense by the Secretary of Health and Human  
6 Services for health care services provided such bene-  
7 ficiaries at the medical treatment facilities of the  
8 Department of Defense.

9 **SEC. 714. PILOT PROGRAM OF INDIVIDUALIZED RESIDEN-**  
10 **TIAL MENTAL HEALTH SERVICES.**

11 (a) PROGRAM REQUIRED.—During fiscal year 1996,  
12 the Secretary of Defense, in consultation with the other  
13 administering Secretaries, shall carry out a pilot program  
14 for providing wraparound services to covered beneficiaries  
15 who are children in need of mental health services. The  
16 Secretary shall carry out the pilot program in one region  
17 in which the TRICARE program has been implemented  
18 as of the beginning of such fiscal year.

19 (b) WRAPAROUND SERVICES DEFINED.—For pur-  
20 poses of this section, wraparound services are individual-  
21 ized mental health services that a provider provides, prin-  
22 cipally in a residential setting but also with follow-up serv-  
23 ices, in return for payment on a case rate basis. For pay-  
24 ment of the case rate for a patient, the provider incurs  
25 the risk that it will be necessary for the provider to provide

1 the patient with additional mental health services inter-  
2 mittently or on a longer term basis after completion of  
3 the services provided on a residential basis under a treat-  
4 ment plan.

5 (c) PILOT PROGRAM AGREEMENT.—Under the pilot  
6 program the Secretary of Defense shall enter into an  
7 agreement with a provider of mental health services that  
8 requires the provider—

9 (1) to provide wraparound services to covered  
10 beneficiaries referred to in subsection (a);

11 (2) to continue to provide such services to each  
12 beneficiary as needed during the period of the agree-  
13 ment even if the patient relocates outside the  
14 TRICARE program region involved (but inside the  
15 United States) during that period; and

16 (3) to accept as payment for such services an  
17 amount not in excess of the amount of the standard  
18 CHAMPUS residential treatment clinic benefit pay-  
19 able with respect to the covered beneficiary con-  
20 cerned (as determined in accordance with section 8.1  
21 of chapter 3 of volume II of the CHAMPUS policy  
22 manual).

23 (d) REPORT.—Not later than March 1, 1997, the  
24 Secretary of Defense shall submit to the Committee on  
25 Armed Services of the Senate and the Committee on Na-

1 tional Security of the House of Representatives a report  
2 on the program carried out under this section. The report  
3 shall contain—

4 (1) an assessment of the effectiveness of the  
5 program; and

6 (2) the Secretary's views regarding whether the  
7 program should be implemented in all regions where  
8 the TRICARE program is carried out.

9 **Subtitle C—Uniformed Services**  
10 **Treatment Facilities**

11 **SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN**  
12 **FACILITIES AS UNIFORMED SERVICES**  
13 **TREATMENT FACILITIES.**

14 Section 1252(e) of the Department of Defense Au-  
15 thorization Act, 1984 (42 U.S.C. 248d(e)) is amended by  
16 striking out “December 31, 1996” in the first sentence  
17 and inserting in lieu thereof “September 30, 1997”.

18 **SEC. 722. APPLICABILITY OF FEDERAL ACQUISITION REG-**  
19 **ULATION TO PARTICIPATION AGREEMENTS**  
20 **WITH UNIFORMED SERVICES TREATMENT FA-**  
21 **CILITIES.**

22 Section 718(c) of the National Defense Authorization  
23 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.  
24 1587) is amended—

1           (1) in the second sentence of paragraph (1), by  
2 striking out “A participation agreement” and insert-  
3 ing in lieu thereof “Except as provided in paragraph  
4 (4), a participation agreement”;

5           (2) by redesignating paragraph (4) as para-  
6 graph (5); and

7           (3) by inserting after paragraph (3) the follow-  
8 ing new paragraph:

9           “(4) APPLICABILITY OF FEDERAL ACQUISITION  
10 REGULATION.—On and after the date of enactment  
11 of the National Defense Authorization Act for Fiscal  
12 Year 1996, the Federal Acquisition Regulation is-  
13 sued pursuant to section 25(c) of the Office of Fed-  
14 eral Procurement Policy Act (41 U.S.C. 421(c))  
15 shall apply to any action to modify an existing par-  
16 ticipation agreement and to any action by the Sec-  
17 retary of Defense and a Uniformed Services Treat-  
18 ment Facility to enter into a new participation  
19 agreement.”.

20 **SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES**  
21 **IN CERTAIN CASES.**

22           Section 1074 of title 10, United States Code, is  
23 amended by adding at the end the following:

24           “(d)(1) The Secretary of Defense, after consultation  
25 with the other administering Secretaries, may by regula-

1 tion require a private CHAMPUS provider to apply the  
2 CHAMPUS payment rules (subject to any modifications  
3 considered appropriate by the Secretary) in imposing  
4 charges for health care that the provider provides outside  
5 the catchment area of a Uniformed Services Treatment  
6 Facility to a member of the uniformed services who is en-  
7 rolled in a health care plan of the Uniformed Services  
8 Treatment Facility.

9 “(2) In this subsection:

10 “(A) The term ‘private CHAMPUS provider’  
11 means a private facility or health care provider that  
12 is a health care provider under the Civilian Health  
13 and Medical Program of the Uniformed Services.

14 “(B) The term ‘CHAMPUS payment rules’  
15 means the payment rules referred to in subsection  
16 (c).

17 “(C) The term ‘Uniformed Services Treatment  
18 Facility’ means a facility deemed to be a facility of  
19 the uniformed services under section 911(a) of the  
20 Military Construction Authorization Act, 1982 (42  
21 U.S.C. 248c(a)).”.

1 **Subtitle D—Other Changes to Ex-**  
 2 **isting Laws Regarding Health**  
 3 **Care Management**

4 **SEC. 731. INVESTMENT INCENTIVE FOR MANAGED HEALTH**  
 5 **CARE IN MEDICAL TREATMENT FACILITIES.**

6 (a) AVAILABILITY OF 3 PERCENT OF APPROPRIA-  
 7 TIONS FOR TWO FISCAL YEARS.—Chapter 55 of title 10,  
 8 United States Code, is amended by inserting after section  
 9 1071 the following new section:

10 **“§ 1071a. Availability of appropriations**

11 “Of the total amount authorized to be appropriated  
 12 for a fiscal year for programs and activities carried out  
 13 under this chapter, the amount equal to three percent of  
 14 such total amount is authorized to be appropriated to re-  
 15 main available until the end of the following fiscal year.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of chapter 55 of title 10, United States  
 18 Code, is amended by inserting after the item relating to  
 19 section 1071 the following:

“1071a. Availability of appropriations.”.

20 **SEC. 732. REVISION AND CODIFICATION OF LIMITATIONS**  
 21 **ON PHYSICIAN PAYMENTS UNDER CHAMPUS.**

22 (a) IN GENERAL.—Section 1079(h) of title 10, Unit-  
 23 ed States Code, is amended to read as follows:

1       “(h)(1) Subject to paragraph (2), payment for a  
2 charge for services by an individual health care profes-  
3 sional (or other noninstitutional health care provider) for  
4 which a claim is submitted under a plan contracted for  
5 under subsection (a) shall be limited to the lesser of—

6           “(A) the amount equivalent to the 80th per-  
7 centile of billed charges, as determined by the Sec-  
8 retary of Defense in consultation with the other ad-  
9 ministering Secretaries, for similar services in the  
10 same locality during a 12-month base period that  
11 the Secretary shall define and may adjust as fre-  
12 quently as the Secretary considers appropriate; or

13           “(B) the amount payable for charges for such  
14 services (or similar services) under title XVIII of the  
15 Social Security Act (42 U.S.C. 1395 et seq.) as de-  
16 termined in accordance with the reimbursement  
17 rules applicable to payments for medical and other  
18 health services under that title.

19       “(2) The amount to be paid to an individual health  
20 care professional (or other noninstitutional health care  
21 provider) shall be determined under regulations prescribed  
22 by the Secretary of Defense in consultation with the other  
23 administering Secretaries. Such regulations—

24           “(A) may provide for such exceptions from the  
25 limitation on payments set forth in paragraph (1) as

1 the Secretary determines necessary to ensure that  
2 covered beneficiaries have adequate access to health  
3 care services, including payment of amounts greater  
4 than the amounts otherwise payable under that  
5 paragraph when enrollees in managed care programs  
6 obtain covered emergency services from  
7 nonparticipating providers; and

8 “(B) shall establish limitations (similar to those  
9 established under title XVIII of the Social Security  
10 Act) on beneficiary liability for charges of an indi-  
11 vidual health care professional (or other  
12 noninstitutional health care provider).”.

13 (b) TRANSITION.—In prescribing regulations under  
14 paragraph (2) of section 1079(h) of title 10, United States  
15 Code, as amended by subsection (a), the Secretary of De-  
16 fense shall provide—

17 (1) for a period of transition between the pay-  
18 ment methodology in effect under section 1079(h) of  
19 such title, as such section was in effect on the day  
20 before the date of the enactment of this Act, and the  
21 payment methodology under section 1079(h) of such  
22 title, as so amended; and

23 (2) that the amount payable under such section  
24 1079(h), as so amended, for a charge for a service  
25 under a claim submitted during the period may not

1 be less than 85 percent of the maximum amount  
2 that was payable under such section 1079(h), in ef-  
3 fect on the day before the date of the enactment of  
4 this Act, for charges for the same service during the  
5 1-year period (or a period of other duration that the  
6 Secretary considers appropriate) ending on the day  
7 before such date.

8 **SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL**  
9 **TREATMENT FACILITIES OF THE COAST**  
10 **GUARD.**

11 (a) CONTRACTING AUTHORITY.—Section 1091(a) of  
12 title 10, United States Code, is amended—

13 (1) by inserting after “Secretary of Defense”  
14 the following: “, with respect to medical treatment  
15 facilities of the Department of Defense, and the Sec-  
16 retary of Transportation, with respect to medical  
17 treatment facilities of the Coast Guard when the  
18 Coast Guard is not operating as a service in the  
19 Navy,”; and

20 (2) by striking out “medical treatment facilities  
21 of the Department of Defense” and inserting in lieu  
22 thereof “such facilities”.

23 (b) RATIFICATION OF EXISTING CONTRACTS.—Any  
24 exercise of authority under section 1091 of title 10, United  
25 States Code, to enter into a personal services contract on

1 behalf of the Coast Guard before the effective date of the  
2 amendments made by subsection (a) is hereby ratified.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall take effect on the earlier of the date  
5 of the enactment of this Act or October 1, 1995.

6 **SEC. 734. DISCLOSURE OF INFORMATION IN MEDICARE**  
7 **AND MEDICAID COVERAGE DATA BANK TO**  
8 **IMPROVE COLLECTION FROM RESPONSIBLE**  
9 **PARTIES FOR HEALTH CARE SERVICES FUR-**  
10 **NISHED UNDER CHAMPUS.**

11 (a) PURPOSE OF DATA BANK.—Subsection (a) of  
12 section 1144 of the Social Security Act (42 U.S.C. 1320b–  
13 14) is amended—

14 (1) by striking out “and” at the end of the  
15 paragraph (1);

16 (2) by striking out the period at the end of  
17 paragraph (2) and inserting in lieu thereof “, and”;  
18 and

19 (3) by adding at the end the following:

20 “(3) assist in the identification of, and collec-  
21 tion from, third parties responsible for the reim-  
22 bursement of the costs incurred by the United  
23 States for health care services furnished to individ-  
24 uals who are covered beneficiaries under chapter 55

1 of title 10, United States Code, upon request by the  
2 administering Secretaries.”.

3 (b) AUTHORITY TO DISCLOSE INFORMATION.—Sub-  
4 section (b)(2) of such section is amended—

5 (1) by striking out “and” at the end of sub-  
6 paragraph (A);

7 (2) by striking out the period at the end of sub-  
8 paragraph (B) and inserting in lieu thereof “, and”;  
9 and

10 (3) by adding at the end the following:

11 “(C) (subject to the restriction in sub-  
12 section (c)(7) of this section) to disclose any  
13 other information in the Data Bank to the ad-  
14 ministering Secretaries for purposes described  
15 in subsection (a)(3) of this section.”.

16 (c) DEFINITION.—Subsection (f) of such section is  
17 amended by adding at the end the following:

18 “(5) ADMINISTERING SECRETARIES.—The term  
19 ‘administering Secretaries’ shall have the meaning  
20 given to such term by section 1072(3) of title 10,  
21 United States Code.”.

1           **Subtitle E—Other Matters**

2   **SEC. 741. TRISERVICE NURSING RESEARCH.**

3           (a) PROGRAM AUTHORIZED.—Chapter 104 of title  
4 10, United States Code, is amended by adding at the end  
5 the following:

6   **“§2116. Research on the furnishing of care and serv-**  
7                           **ices by nurses of the armed forces**

8           “(a) PROGRAM AUTHORIZED.—The Board of Re-  
9 gents of the University may establish at the University  
10 a program of research on the furnishing of care and serv-  
11 ices by nurses in the Armed Forces (hereafter in this sec-  
12 tion referred to as ‘military nursing research’). A program  
13 carried out under this section shall be known as the  
14 ‘TriService Nursing Research Program’.

15           “(b) TRISERVICE RESEARCH GROUP.—(1) The  
16 TriService Nursing Research Program shall be adminis-  
17 tered by a TriService Nursing Research Group composed  
18 of Army, Navy, and Air Force nurses who are involved  
19 in military nursing research and are designated by the  
20 Secretary concerned to serve as members of the group.

21           “(2) The TriService Nursing Research Group shall—

22                   “(A) develop for the Department of Defense  
23 recommended guidelines for requesting, reviewing,  
24 and funding proposed military nursing research  
25 projects; and

1           “(B) make available to Army, Navy, and Air  
2 Force nurses and Department of Defense officials  
3 concerned with military nursing research—

4           “(i) information about nursing research  
5 projects that are being developed or carried out  
6 in the Army, Navy, and Air Force; and

7           “(ii) expertise and information beneficial to  
8 the encouragement of meaningful nursing re-  
9 search.

10          “(c) RESEARCH TOPICS.—For purposes of this sec-  
11 tion, military nursing research includes research on the  
12 following issues:

13           “(1) Issues regarding how to improve the re-  
14 sults of nursing care and services provided in the  
15 armed forces in time of peace.

16           “(2) Issues regarding how to improve the re-  
17 sults of nursing care and services provided in the  
18 armed forces in time of war.

19           “(3) Issues regarding how to prevent complica-  
20 tions associated with battle injuries.

21           “(4) Issues regarding how to prevent complica-  
22 tions associated with the transporting of patients in  
23 the military medical evacuation system.

24           “(5) Issues regarding how to improve methods  
25 of training nursing personnel.

1           “(6) Clinical nursing issues, including such is-  
2           sues as prevention and treatment of child abuse and  
3           spouse abuse.

4           “(7) Women’s health issues.

5           “(8) Wellness issues.

6           “(9) Preventive medicine issues.

7           “(10) Home care management issues.

8           “(11) Case management issues.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10          at the beginning of chapter 104 of such title is amended  
11          by adding at the end the following:

          “2116. Research on the furnishing of care and services by nurses of the armed  
          forces.”.

12          **SEC. 742. FISHER HOUSE TRUST FUNDS.**

13          (a) ESTABLISHMENT.—(1) Chapter 131 of title 10,  
14          United States Code, is amended by adding at the end the  
15          following:

16          **“§ 2221. Fisher House trust funds**

17          “(a) ESTABLISHMENT.—The following trust funds  
18          are established on the books of the Treasury:

19                 “(1) The Fisher House Trust Fund, Depart-  
20                 ment of the Army.

21                 “(2) The Fisher House Trust Fund, Depart-  
22                 ment of the Air Force.

23          “(b) INVESTMENT.—Funds in the trust funds may  
24          be invested in securities of the United States. Earnings

1 and gains realized from the investment of funds in a trust  
2 fund shall be credited to the trust fund.

3 “(c) USE OF FUNDS.—(1) Amounts in the Fisher  
4 House Trust Fund, Department of the Army, that are at-  
5 tributable to earnings or gains realized from investments  
6 shall be available for operation and maintenance of Fisher  
7 houses that are located in proximity to medical treatment  
8 facilities of the Army.

9 “(2) Amounts in the Fisher House Trust Fund, De-  
10 partment of the Air Force, that are attributable to earn-  
11 ings or gains realized from investments shall be available  
12 for operation and maintenance of Fisher houses that are  
13 located in proximity to medical treatment facilities of the  
14 Air Force.

15 “(3) The use of funds under this section is subject  
16 to the requirements of section 1321(b)(2) of title 31.

17 “(d) FISHER HOUSES DEFINED.—For purposes of  
18 this section, Fisher houses are housing facilities that are  
19 located in proximity to medical treatment facilities of the  
20 Army or Air Force and are available for residential use  
21 on a temporary basis by patients at such facilities, mem-  
22 bers of the family of such patients, and others providing  
23 the equivalent of familial support for such patients.”.

24 (2) The table of sections at the beginning of such  
25 chapter is amended by adding at the end the following:

“2221. Fisher House trust funds.”.

1 (b) CORPUS OF TRUST FUNDS.—(1) The Secretary  
2 of the Treasury shall—

3 (A) close the accounts established with the  
4 funds that were required by section 8019 of Public  
5 Law 102–172 (105 Stat. 1175) and section 9023 of  
6 Public Law 102–396 (106 Stat. 1905) to be trans-  
7 ferred to an appropriated trust fund; and

8 (B) transfer the amounts in such accounts to  
9 the Fisher House Trust Fund, Department of the  
10 Army, established by subsection (a)(1) of section  
11 2221 of title 10, United States Code, as added by  
12 subsection (a).

13 (2) The Secretary of the Air Force shall transfer to  
14 the Fisher House Trust Fund, Department of the Air  
15 Force, established by subsection (a)(2) of section 2221 of  
16 title 10, United States Code (as added by section (a)), all  
17 amounts in the accounts for Air Force installations and  
18 other facilities that, as of the date of the enactment of  
19 this Act, are available for operation and maintenance of  
20 Fisher houses (as defined in subsection (c) of such section  
21 2221).

22 (c) CONFORMING AMENDMENTS.—Section 1321 of  
23 title 31, United States Code, is amended—

24 (1) by adding at the end of subsection (a) the  
25 following:

1           “(92) Fisher House Trust Fund, Department  
2 of the Army.

3           “(93) Fisher House Trust Fund, Department  
4 of the Air Force.”; and

5           (2) in subsection (b)—

6                 (A) by inserting “(1)” after “(b)”;

7                 (B) in the second sentence, by striking out  
8 “Amounts accruing to these funds (except to  
9 the trust fund ‘Armed Forces Retirement Home  
10 Trust Fund)’” and inserting in lieu thereof  
11 “Except as provided in paragraph (2), amounts  
12 accruing to these funds”;

13                 (C) by striking out the third sentence; and

14                 (D) by adding at the end the following:

15           “(2) Expenditures from the following trust funds  
16 shall be made only under annual appropriations and only  
17 if the appropriations are specifically authorized by law:

18                 “(A) Armed Forces Retirement Home Trust  
19 Fund.

20                 “(B) Fisher House Trust Fund, Department of  
21 the Army.

22                 “(C) Fisher House Trust Fund, Department of  
23 the Air Force.”.

24           (d) REPEAL OF SUPERSEDED PROVISIONS.—The fol-  
25 lowing provisions of law are repealed:

1 (1) Section 8019 of Public Law 102–172 (105  
2 Stat. 1175).

3 (2) Section 9023 of Public Law 102–396 (106  
4 Stat. 1905).

5 (3) Section 8019 of Public Law 103–139 (107  
6 Stat. 1441).

7 (4) Section 8017 of Public Law 103–335 (108  
8 Stat. 2620; 10 U.S.C. 1074 note).

9 **SEC. 743. APPLICABILITY OF LIMITATION ON PRICES OF**  
10 **PHARMACEUTICALS PROCURED FOR COAST**  
11 **GUARD.**

12 Section 8126(b) of title 38, United States Code, is  
13 amended by adding at the end the following:

14 “(4) The Coast Guard.”.

15 **SEC. 744. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS**  
16 **ARMY MEDICAL CENTER, COLORADO, ON**  
17 **PROVISION OF CARE TO MILITARY PERSON-**  
18 **NEL AND DEPENDENTS EXPERIENCING**  
19 **HEALTH DIFFICULTIES ASSOCIATED WITH**  
20 **PERSIAN GULF SYNDROME.**

21 Not later than 90 days after the date of the enact-  
22 ment of this Act, the Secretary of Defense shall submit  
23 to Congress a report that—

24 (1) assesses the effects of the closure of  
25 Fitzsimons Army Medical Center, Colorado, on the

1 capability of the Department of Defense to provide  
2 appropriate and adequate health care to members  
3 and former members of the Armed Forces and their  
4 dependents who suffer from undiagnosed illnesses  
5 (or combination of illnesses) as a result of service in  
6 the Armed Forces in the Southwest Asia theater of  
7 operations during the Persian Gulf War; and

8 (2) describes the plans of the Secretary of De-  
9 fense and the Secretary of the Army to ensure that  
10 adequate and appropriate health care is available to  
11 such members, former members, and their depend-  
12 ents for such illnesses.

13 **TITLE VIII—ACQUISITION POL-**  
14 **ICY, ACQUISITION MANAGE-**  
15 **MENT, AND RELATED MAT-**  
16 **TERS**

17 **Subtitle A—Acquisition Reform**

18 **SEC. 801. WAIVERS FROM CANCELLATION OF FUNDS.**

19 Notwithstanding section 1552(a) of title 31, United  
20 States Code, funds appropriated for any fiscal year after  
21 fiscal year 1995 that are administratively reserved or com-  
22 mitted for satellite on-orbit incentive fees shall remain  
23 available for obligation and expenditure until the fee is  
24 earned, but only if and to the extent that section 1512  
25 of title 31, United States Code, the Impoundment Control

1 Act (2 U.S.C. 681 et seq.), and other applicable provisions  
2 of law are complied with in the reservation and commit-  
3 ment of funds for that purpose

4 **SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS**  
5 **AND SUBCONTRACTS FOR OCEAN TRANSPOR-**  
6 **TATION SERVICES.**

7 (a) PROCUREMENT NOTICE POSTING THRESH-  
8 OLDS.—Section 18(a)(1)(B) of the Office of Federal Pro-  
9 curement Policy Act (41 U.S.C. 416(a)(1)(B)) is amend-  
10 ed—

11 (1) by striking out “subsection (f)—” and all  
12 that follows through the end of the subparagraph  
13 and inserting in lieu thereof “subsection (b); and”;  
14 and

15 (2) by inserting after “property or services” the  
16 following: for a price expected to exceed \$10,000,  
17 but not to exceed \$25,000.”.

18 (b) SUBCONTRACTS FOR OCEAN TRANSPORTATION  
19 SERVICES.—Notwithstanding any other provision of law,  
20 neither section 901(b) of the Merchant Marine Act, 1936  
21 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United  
22 States Code, shall be included prior to May 1, 1996 on  
23 any list promulgated under section 34(b) of the Office of  
24 Federal Procurement Policy Act (41 U.S.C. 430(b)).

1 **SEC. 803. PROMPT RESOLUTION OF AUDIT RECOMMENDA-**  
2 **TIONS.**

3 Section 6009 of the Federal Acquisition Streamlining  
4 Act of 1994 (Public Law 103-355; 108 Stat. 3367, Octo-  
5 ber 14, 1994) is amended to read as follows:

6 **“SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLE-**  
7 **MENTATION OF AUDIT RECOMMENDATIONS.**

8 “(a) **MANAGEMENT DECISIONS.**—(1) The head of a  
9 Federal agency shall make management decisions on all  
10 findings and recommendations set forth in an audit report  
11 of the inspector general of the agency within a maximum  
12 of six months after the issuance of the report.

13 “(2) The head of a Federal agency shall make man-  
14 agement decisions on all findings and recommendations  
15 set forth in an audit report of any auditor from outside  
16 the Federal Government within a maximum of six months  
17 after the date on which the head of the agency receives  
18 the report.

19 “(b) **COMPLETIONS OF ACTIONS.**—The head of a  
20 Federal agency shall complete final action on each man-  
21 agement decision required with regard to a recommenda-  
22 tion in an inspector general’s report under subsection  
23 (a)(1) within 12 months after the date of the inspector  
24 general’s report. If the head of the agency fails to complete  
25 final action with regard to a management decision within  
26 the 12-month period, the inspector general concerned shall

1 identify the matter in each of the inspector general's semi-  
2 annual reports pursuant to section 5(a)(3) of the Inspec-  
3 tor General Act of 1978 (5 U.S.C. App.) until final action  
4 on the management decision is completed.”.

5 **SEC. 804. TEST PROGRAM FOR NEGOTIATION OF COM-**  
6 **PREHENSIVE SUBCONTRACTING PLANS.**

7 (a) REVISION OF AUTHORITY.—Subsection (a) of  
8 section 834 of National Defense Authorization Act for  
9 Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is  
10 amended by striking out paragraph (1) and inserting in  
11 lieu thereof the following:

12 “(1) The Secretary of Defense shall establish a test  
13 program under which contracting activities in the military  
14 departments and the Defense Agencies are authorized to  
15 undertake one or more demonstration projects to deter-  
16 mine whether the negotiation and administration of com-  
17 prehensive subcontracting plans will reduce administrative  
18 burdens on contractors while enhancing opportunities pro-  
19 vided under Department of Defense contracts for small  
20 business concerns and small business concerns owned and  
21 controlled by socially and economically disadvantaged indi-  
22 viduals. In selecting the contracting activities to undertake  
23 demonstration projects, the Secretary shall take such ac-  
24 tion as is necessary to ensure that a broad range of the

1 supplies and services acquired by the Department of De-  
2 fense are included in the test program.”.

3 (b) COVERED CONTRACTORS.—Subsection (b) of  
4 such section is amended by striking out paragraph (3) and  
5 inserting in lieu thereof the following:

6 “(3) A Department of Defense contractor referred to  
7 in paragraph (1) is, with respect to a comprehensive sub-  
8 contracting plan negotiated in any fiscal year, a business  
9 concern that, during the immediately preceding fiscal year,  
10 furnished the Department of Defense with supplies or  
11 services (including professional services, research and de-  
12 velopment services, and construction services) pursuant to  
13 at least three Department of Defense contracts having an  
14 aggregate value of at least \$5,000,000.”.

15 (c) TECHNICAL AMENDMENTS.—Such section is  
16 amended—

17 (1) by striking out subsection (g); and

18 (2) by redesignating subsection (h) as sub-  
19 section (g).

20 **SEC. 805. NAVAL SALVAGE FACILITIES.**

21 Chapter 637 of title 10, United States Code, is  
22 amended to read as follows:

23 **“CHAPTER 637—SALVAGE FACILITIES**

“Sec.

“7361. Authority to provide for necessary salvage facilities.

“7362. Acquisition and transfer of vessels and equipment.

“7363. Settlement of claims.

“7364. Disposition of receipts.

1 **“§ 7361. Authority to provide for necessary salvage**  
2 **facilities**

3 “(a) AUTHORITY.—The Secretary of the Navy may  
4 contract or otherwise provide for necessary salvage facili-  
5 ties for public and private vessels.

6 “(b) COORDINATION WITH SECRETARY OF TRANS-  
7 PORTATION.—The Secretary shall submit to the Secretary  
8 of Transportation for comment each proposed salvage con-  
9 tract that affects the interests of the Department of  
10 Transportation.

11 “(c) LIMITATION.—The Secretary of the Navy may  
12 enter into a contract under subsection (a) only if the Sec-  
13 retary determines that available commercial salvage facili-  
14 ties are inadequate to meet the Navy’s requirements and  
15 provides public notice of the intent to enter into such a  
16 contract.

17 **“§ 7362. Acquisition and transfer of vessels and**  
18 **equipment**

19 “(a) AUTHORITY.—The Secretary of the Navy may  
20 acquire or transfer such vessels and equipment for oper-  
21 ation by private salvage companies as the Secretary con-  
22 siders necessary.

23 “(b) AGREEMENT ON USE.—A private recipient of  
24 any salvage vessel or gear shall agree in writing that such  
25 vessel or gear will be used to support organized offshore

1 salvage facilities for as many years as the Secretary shall  
2 consider appropriate.

3 **“§ 7363. Settlement of claims**

4 “The Secretary of the Navy, or the Secretary’s des-  
5 ignee, may settle and receive payment for any claim by  
6 the United States for salvage services rendered by the De-  
7 partment of the Navy.

8 **“§ 7364. Disposition of receipts**

9 “Amounts received under this chapter shall be cred-  
10 ited to appropriations for maintaining naval salvage facili-  
11 ties. However, any amount received in excess of naval sal-  
12 vage costs incurred by the Navy in that fiscal year shall  
13 be deposited into the general fund of the Treasury.”.

14 **SEC. 806. AUTHORITY TO DELEGATE CONTRACTING AU-**  
15 **THORITY.**

16 (a) **REPEAL OF DUPLICATIVE AUTHORITY AND RE-**  
17 **STRICTION.**—Section 2356 of title 10, United States Code,  
18 is repealed.

19 (b) **CLERICAL AMENDMENT.**—The table of sections  
20 at the beginning of chapter 139 of title 10, United States  
21 Code, is amended by striking out the item relating to sec-  
22 tion 2356.

1 **SEC. 807. COORDINATION AND COMMUNICATION OF DE-**  
2 **FENSE RESEARCH ACTIVITIES.**

3 Section 2364 of title 10, United States Code, is  
4 amended—

5 (1) in subsection (b)(5), by striking out “mile-  
6 stone O, milestone I, and milestone II” and insert-  
7 ing in lieu thereof “acquisition program”; and

8 (2) in subsection (c), by striking out para-  
9 graphs (2), (3), and (4) and inserting in lieu thereof  
10 the following:

11 “(2) The term ‘acquisition program decision’  
12 has the meaning prescribed by the Secretary of De-  
13 fense in regulations.”.

14 **SEC. 808. PROCUREMENT OF ITEMS FOR EXPERIMENTAL**  
15 **OR TEST PURPOSES.**

16 Section 2373(b) of title 10, United States Code, is  
17 amended by inserting “only” after “applies”.

18 **SEC. 809. QUALITY CONTROL IN PROCUREMENTS OF CRITI-**  
19 **CAL AIRCRAFT AND SHIP SPARE PARTS.**

20 (a) REPEAL.—Section 2383 of title 10, United States  
21 Code, is repealed.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 141 of such title is amended  
24 by striking out the item relating to section 2383.

1 **SEC. 810. USE OF FUNDS FOR ACQUISITION OF DESIGNS,**  
2 **PROCESSES, TECHNICAL DATA, AND COM-**  
3 **PUTER SOFTWARE.**

4 Section 2386(3) of title 10, United States Code, is  
5 amended to read as follows:

6 “(3) Design and process data, technical data,  
7 and computer software.”.

8 **SEC. 811. INDEPENDENT COST ESTIMATES FOR MAJOR DE-**  
9 **FENSE ACQUISITION PROGRAMS.**

10 Section 2434(b)(1)(A) of title 10, United States  
11 Code, is amended to read as follows:

12 “(A) be prepared—

13 “(i) by an office or other entity that  
14 is not under the supervision, direction, or  
15 control of the military department, Defense  
16 Agency, or other component of the Depart-  
17 ment of Defense that is directly responsible  
18 for carrying out the development or acqui-  
19 sition of the program; or

20 “(ii) if the decision authority for the  
21 program has been delegated to an official  
22 of a military department, Defense Agency,  
23 or other component of the Department of  
24 Defense, by an office or other entity that  
25 is not directly responsible for carrying out

1 the development or acquisition of the pro-  
2 gram; and”.

3 **SEC. 812. FEES FOR CERTAIN TESTING SERVICES.**

4 Section 2539b(c) of title 10, United States Code, is  
5 amended by inserting “and indirect” after “recoup the di-  
6 rect”.

7 **SEC. 813. CONSTRUCTION, REPAIR, ALTERATION, FURNISH-**  
8 **ING, AND EQUIPPING OF NAVAL VESSELS.**

9 (a) INAPPLICABILITY OF CERTAIN LAWS.—Chapter  
10 633 of title 10, United States Code, is amended by insert-  
11 ing after section 7297 the following:

12 **“§ 7299. Contracts: applicability of Walsh-Healey Act**

13 “Each contract for the construction, alteration, fur-  
14 nishing, or equipping of a naval vessel is subject to the  
15 Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the Presi-  
16 dent determines that this requirement is not in the inter-  
17 est of national defense.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 7297 the following:

“7299. Contracts: applicability of Walsh-Healey Act.”.

21 **SEC. 814. CIVIL RESERVE AIR FLEET.**

22 Section 9512 of title 10, United States Code, is  
23 amended by striking out “full Civil Reserve Air Fleet”  
24 both places it appears in subsections (b)(2) and (e) and  
25 inserting in lieu thereof “Civil Reserve Air Fleet”.

1 **SEC. 815. COST AND PRICING DATA.**

2 (a) ARMED SERVICES PROCUREMENTS.—Section  
3 2306a(d)(2)(A)(i) of title 10, United States Code, is  
4 amended by striking out “and the procurement is not cov-  
5 ered by an exception in subsection (b),” and inserting in  
6 lieu thereof “and the offeror or contractor requests to be  
7 exempted from the requirement for submission of cost or  
8 pricing data pursuant to this subsection,”.

9 (b) CIVILIAN AGENCY PROCUREMENTS.—Section  
10 304A(d)(2)(A)(i) of the Federal Property and Administra-  
11 tive Services Act of 1949 (41 U.S.C. 254b(d)(2)(A)(i)) is  
12 amended by striking out “and the procurement is not cov-  
13 ered by an exception in subsection (b),” and inserting in  
14 lieu thereof “and the offeror or contractor requests to be  
15 exempted from the requirement for submission of cost or  
16 pricing data pursuant to this subsection,”.

17 **SEC. 816. PROCUREMENT NOTICE TECHNICAL AMEND-**  
18 **MENTS.**

19 Section 18(c)(1)(E) of the Office of Federal Procure-  
20 ment Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by  
21 inserting after “requirements contract” the following: “,  
22 a task order contract, or a delivery order contract”.

23 **SEC. 817. REPEAL OF DUPLICATIVE AUTHORITY FOR SIM-**  
24 **PLIFIED ACQUISITION PURCHASES.**

25 Section 31 of the Office of Federal Procurement Pol-  
26 icy Act (41 U.S.C. 427) is amended—

1 (1) by striking out subsections (a), (b), and (c);

2 (2) by redesignating subsections (d), (e), and  
3 (f) as (a), (b), and (c), respectively;

4 (3) in subsection (b), as so redesignated, by  
5 striking out “provided in the Federal Acquisition  
6 Regulation pursuant to this section” each place it  
7 appears and inserting in lieu thereof “contained in  
8 the Federal Acquisition Regulation”; and

9 (4) by adding at the end the following:

10 “(d) PROCEDURES DEFINED.—The simplified acqui-  
11 sition procedures referred to in this section are the sim-  
12 plified acquisition procedures that are provided in the Fed-  
13 eral Acquisition Regulation pursuant to section 2304(g)  
14 of title 10, United States Code, and section 303(g) of the  
15 Federal Property and Administrative Services Act of 1949  
16 (41 U.S.C. 253(g)).”.

17 **SEC. 818. MICRO-PURCHASES WITHOUT COMPETITIVE**  
18 **QUOTATIONS.**

19 Section 32(d) of the Office of Federal Procurement  
20 Policy Act (41 U.S.C. 428) is amended by striking out  
21 “the contracting officer” and inserting in lieu thereof “an  
22 employee of an executive agency or a member of the  
23 Armed Forces of the United States authorized to do so”.

1 **SEC. 819. RESTRICTION ON REIMBURSEMENT OF COSTS.**

2 (a) None of the funds authorized to be appropriated  
3 in this Act for fiscal year 1996 may be obligated for pay-  
4 ment on new contracts on which allowable costs charged  
5 to the Government include payments for individual com-  
6 pensation (including bonuses and other incentives) at a  
7 rate in excess of \$250,000.

8 (b) It is the sense of the Senate that the Congress  
9 should consider extending the restriction described in sec-  
10 tion (a) permanently.

11 **Subtitle B—Other Matters**

12 **SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-**  
13 **GRAMS.**

14 (a) **FUNDING.**—Of the amount authorized to be ap-  
15 propriated under section 301(5), \$12,000,000 shall be  
16 available for carrying out the provisions of chapter 142  
17 of title 10, United States Code.

18 (b) **SPECIFIC PROGRAMS.**—Of the amounts made  
19 available pursuant to subsection (a), \$600,000 shall be  
20 available for fiscal year 1996 for the purpose of carrying  
21 out programs sponsored by eligible entities referred to in  
22 subparagraph (D) of section 2411(1) of title 10, United  
23 States Code, that provide procurement technical assist-  
24 ance in distressed areas referred to in subparagraph (B)  
25 of section 2411(2) of such title. If there is an insufficient  
26 number of satisfactory proposals for cooperative agree-

1 ments in such distressed areas to allow effective use of  
2 the funds made available in accordance with this sub-  
3 section in such areas, the funds shall be allocated among  
4 the Defense Contract Administration Services regions in  
5 accordance with section 2415 of such title.

6 **SEC. 822. TREATMENT OF DEPARTMENT OF DEFENSE**  
7 **CABLE TELEVISION FRANCHISE AGREE-**  
8 **MENTS.**

9 For purposes of part 49 of the Federal Acquisition  
10 Regulation, a cable television franchise agreement of the  
11 Department of Defense shall be considered a contract for  
12 telecommunications services.

13 **SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL**  
14 **BASE.**

15 (a) REVIEW OF AMMUNITION PROCUREMENT AND  
16 MANAGEMENT PROGRAMS.—(1) Not later than 30 days  
17 after the date of the enactment of this Act, the Secretary  
18 of Defense shall commence a review of the ammunition  
19 procurement and management programs of the Depart-  
20 ment of Defense, including the planning for, budgeting  
21 for, administration, and carrying out of such programs.

22 (2) The review under paragraph (1) shall include an  
23 assessment of the following matters:

1 (A) The practicability and desirability of using  
2 centralized procurement practices to procure all am-  
3 munition required by the Armed Forces.

4 (B) The capability of the ammunition produc-  
5 tion facilities of the United States to meet the am-  
6 munition requirements of the Armed Forces.

7 (C) The practicability and desirability of  
8 privatizing such ammunition production facilities.

9 (D) The practicability and desirability of using  
10 integrated budget planning among the Armed Forces  
11 for the procurement of ammunition.

12 (E) The practicability and desirability of estab-  
13 lishing an advocate within the Department of De-  
14 fense for ammunition industrial base matters who  
15 shall be responsible for—

16 (i) establishing the quantity and price of  
17 ammunition procured by the Armed Forces; and

18 (ii) establishing and implementing policy to  
19 ensure the continuing viability of the ammuni-  
20 tion industrial base in the United States.

21 (F) The practicability and desirability of pro-  
22 viding information on the ammunition procurement  
23 practices of the Armed Forces to Congress through  
24 a single source.

1 (b) REPORT.—Not later than April 1, 1996, the Sec-  
2 retary shall submit to the congressional defense commit-  
3 tees a report containing the following:

4 (1) The results of the review carried out under  
5 subsection (a).

6 (2) A discussion of the methodologies used in  
7 carrying out the review.

8 (3) An assessment of various methods of ensur-  
9 ing the continuing viability of the ammunition indus-  
10 trial base of the United States.

11 (4) Recommendations of means (including legis-  
12 lation) of implementing such methods in order to en-  
13 sure such viability.

14 **TITLE IX—DEPARTMENT OF DE-**  
15 **FENSE ORGANIZATION AND**  
16 **MANAGEMENT**

17 **SEC. 901. REDESIGNATION OF THE POSITION OF ASSIST-**  
18 **ANT TO THE SECRETARY OF DEFENSE FOR**  
19 **ATOMIC ENERGY.**

20 (a) IN GENERAL.—(1) Section 142 of title 10, United  
21 States Code, is amended—

22 (A) by striking out the section heading and in-  
23 serting in lieu thereof the following:

1 **“§ 142. Assistant to the Secretary of Defense for Nu-**  
2 **clear and Chemical and Biological De-**  
3 **fense Programs”;**

4 (B) in subsection (a), by striking out “Assistant  
5 to the Secretary of Defense for Atomic Energy” and  
6 inserting in lieu thereof “Assistant to the Secretary  
7 of Defense for Nuclear and Chemical and Biological  
8 Defense Programs”; and

9 (C) by striking out subsection (b) and inserting  
10 in lieu thereof the following:

11 “(b) The Assistant to the Secretary shall—

12 “(1) advise the Secretary of Defense on nuclear  
13 energy, nuclear weapons, and chemical and biological  
14 defense;

15 “(2) serve as the Staff Director of the Nuclear  
16 Weapons Council established by section 179 of this  
17 title; and

18 “(3) perform such additional duties as the Sec-  
19 retary may prescribe.”.

20 (2) The table of sections at the beginning of chapter  
21 4 of such title is amended by striking out the item relating  
22 to section 142 and inserting in lieu thereof the following:

“142. Assistant to the Secretary of Defense for Nuclear and Chemical and Bio-  
logical Defense Programs.”.

23 (b) CONFORMING AMENDMENTS.—(1) Section  
24 179(c)(2) of title 10, United States Code, is amended by

1 striking out “The Assistant to the Secretary of Defense  
2 for Atomic Energy” and inserting in lieu thereof “The As-  
3 sistant to the Secretary of Defense for Nuclear and Chem-  
4 ical and Biological Defense Programs.”.

5 (2) Section 5316 of title 5, United States Code, is  
6 amended by striking out “The Assistant to the Secretary  
7 of Defense for Atomic Energy, Department of Defense.”  
8 and inserting in lieu thereof the following:

9 “Assistant to the Secretary of Defense for Nu-  
10 clear and Chemical and Biological Defense Pro-  
11 grams, Department of Defense.”.

## 12 **TITLE X—GENERAL PROVISIONS**

### 13 **Subtitle A—Financial Matters**

#### 14 **SEC. 1001. TRANSFER AUTHORITY.**

15 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

16 (1) Upon determination by the Secretary of Defense that  
17 such action is necessary in the national interest, the Sec-  
18 retary may transfer amounts of authorizations made avail-  
19 able to the Department of Defense in this division for fis-  
20 cal year 1996 between any such authorizations for that  
21 fiscal year (or any subdivisions thereof). Amounts of au-  
22 thorizations so transferred shall be merged with and be  
23 available for the same purposes as the authorization to  
24 which transferred.

1           (2) The total amount of authorizations that the Sec-  
2 retary of Defense may transfer under the authority of this  
3 section may not exceed \$2,000,000,000.

4           (b) LIMITATIONS.—The authority provided by this  
5 section to transfer authorizations—

6                 (1) may only be used to provide authority for  
7 items that have a higher priority than the items  
8 from which authority is transferred; and

9                 (2) may not be used to provide authority for an  
10 item that has been denied authorization by Con-  
11 gress.

12           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
13 transfer made from one account to another under the au-  
14 thority of this section shall be deemed to increase the  
15 amount authorized for the account to which the amount  
16 is transferred by an amount equal to the amount trans-  
17 ferred.

18           (d) NOTICE TO CONGRESS.—The Secretary shall  
19 promptly notify Congress of each transfer made under  
20 subsection (a).

21 **SEC. 1002. DISBURSING AND CERTIFYING OFFICIALS.**

22           (a) DISBURSING OFFICIALS.—(1) Section 3321(c) of  
23 title 31, United States Code, is amended by striking out  
24 paragraph (2) and inserting in lieu thereof the following:

25                 “(2) The Department of Defense.”.

1           (2) Section 2773 of title 10, United States Code, is  
2 amended—

3           (A) in subsection (a)—

4                   (i) by striking out “With the approval of  
5 the Secretary of a military department when  
6 the Secretary considers it necessary, a disburs-  
7 ing official of the military department” and in-  
8 serting in lieu thereof “Subject to paragraph  
9 (3), a disbursing official of the Department of  
10 Defense”; and

11                   (ii) by adding at the end the following new  
12 paragraph:

13           “(3) A disbursing official may make a designation  
14 under paragraph (1) only with the approval of the Sec-  
15 retary of Defense or, in the case of a disbursing official  
16 of a military department, the Secretary of that military  
17 department.”; and

18           (B) in subsection (b)(1), by striking out “any  
19 military department” and inserting in lieu thereof  
20 “the Department of Defense”.

21           (b) DESIGNATION OF MEMBERS OF THE ARMED  
22 FORCES TO HAVE AUTHORITY TO CERTIFY VOUCH-  
23 ERS.—Section 3325(b) of title 31, United States Code, is  
24 amended to read as follows:

1       “(b) In addition to officers and employees referred  
2 to in subsection (a)(1)(B) of this section as having author-  
3 ization to certify vouchers, members of the armed forces  
4 under the jurisdiction of the Secretary of Defense may cer-  
5 tify vouchers when authorized, in writing, by the Secretary  
6 to do so.”.

7       (c) CONFORMING AMENDMENTS.—(1) Section 1012  
8 of title 37, United States Code, is amended by striking  
9 out “Secretary concerned” both places it appears and in-  
10 serting in lieu thereof “Secretary of Defense”.

11       (2) Section 1007(a) of title 37, United States Code,  
12 is amended by striking out “Secretary concerned” and in-  
13 serting in lieu thereof “Secretary of Defense, or upon the  
14 denial of relief of an officer pursuant to section 3527 of  
15 title 31”.

16       (3)(A) Section 7863 of title 10, United States Code,  
17 is amended—

18           (i) in the first sentence, by striking out “dis-  
19 bursements of public moneys or” and “the money  
20 was paid or”; and

21           (ii) in the second sentence, by striking out “dis-  
22 bursement or”.

23       (B)(i) The heading of such section is amended to read  
24 as follows:

1 **“§ 7863. Disposal of public stores by order of com-**  
2 **manding officer”.**

3 (ii) The item relating to such section in the table of  
4 sections at the beginning of chapter 661 of such title is  
5 amended to read as follows:

“7863. Disposal of public stores by order of commanding officer.”.

6 (4) Section 3527(b)(1) of title 31, United States  
7 Code, is amended—

8 (A) by striking out “a disbursing official of the  
9 armed forces” and inserting in lieu thereof “an offi-  
10 cial of the armed forces referred to in subsection  
11 (a)”;

12 (B) by striking out “records,” and inserting in  
13 lieu thereof “records, or a payment described in sec-  
14 tion 3528(a)(4)(A) of this title,”;

15 (C) by redesignating subparagraphs (A), (B),  
16 and (C) as clauses (i), (ii), and (iii), and realigning  
17 such clauses four ems from the left margin;

18 (D) by inserting before clause (i), as redesign-  
19 dated by subparagraph (C), the following:

20 “(A) in the case of a physical loss or defi-  
21 ciency—”;

22 (E) in clause (iii), as redesignated by subpara-  
23 graph (C), by striking out the period at the end and  
24 inserting in lieu thereof “; or”; and

25 (F) by adding at the end the following:

1           “(B) in the case of a payment described in sec-  
2           tion 3528(a)(4)(A) of this title, the Secretary of De-  
3           fense or the appropriate Secretary of the military  
4           department of the Department of Defense, after tak-  
5           ing a diligent collection action, finds that the criteria  
6           of section 3528(b)(1) of this title are satisfied.”.

7   **SEC. 1003. DEFENSE MODERNIZATION ACCOUNT.**

8           (a) ESTABLISHMENT AND USE.—(1) Chapter 131 of  
9           title 10, United States Code, is amended by adding at the  
10          end the following:

11   **“§ 2221. Defense Modernization Account**

12          “(a) ESTABLISHMENT.—There is established in the  
13          Treasury a special account to be known as the ‘Defense  
14          Modernization Account’.

15          “(b) CREDITS TO ACCOUNT.—(1) Under regulations  
16          prescribed by the Secretary of Defense, and upon a deter-  
17          mination by the Secretary concerned of the availability  
18          and source of excess funds as described in subparagraph  
19          (A) or (B), the Secretary may transfer to the Defense  
20          Modernization Account during any fiscal year—

21                 “(A) any amount of unexpired funds available  
22                 to the Secretary for procurements that, as a result  
23                 of economies, efficiencies, and other savings achieved  
24                 in the procurements, are excess to the funding re-  
25                 quirements of the procurements; and

1           “(B) any amount of unexpired funds available  
2           to the Secretary for support of installations and fa-  
3           cilities that, as a result of economies, efficiencies,  
4           and other savings, are excess to the funding require-  
5           ments for support of installations and facilities.

6           “(2) Funds referred to in paragraph (1) may not be  
7           transferred to the Defense Modernization Account by a  
8           Secretary concerned if—

9           “(A) the funds are necessary for programs,  
10          projects, and activities that, as determined by the  
11          Secretary, have a higher priority than the purposes  
12          for which the funds would be available if transferred  
13          to that account; or

14          “(B) the balance of funds in the account, after  
15          transfer of funds to the account would exceed  
16          \$1,000,000,000.

17          “(3) Amounts credited to the Defense Modernization  
18          Account shall remain available for transfer until the end  
19          of the third fiscal year that follows the fiscal year in which  
20          the amounts are credited to the account.

21          “(4) The period of availability of funds for expendi-  
22          ture provided for in sections 1551 and 1552 of title 31  
23          shall not be extended by transfer into the Defense Mod-  
24          ernization Account.

1       “(c) **ATTRIBUTION OF FUNDS.**—The funds trans-  
2       ferred to the Defense Modernization Account by a military  
3       department, Defense Agency, or other element of the De-  
4       partment of Defense shall be available in accordance with  
5       subsections (f) and (g) only for that military department,  
6       Defense Agency, or element.

7       “(d) **USE OF FUNDS.**—Funds available from the De-  
8       fense Modernization Account pursuant to subsection (f)  
9       or (g) may be used only for the following purposes:

10           “(1) For increasing, subject to subsection (e),  
11           the quantity of items and services procured under a  
12           procurement program in order to achieve a more ef-  
13           ficient production or delivery rate.

14           “(2) For research, development, test and eval-  
15           uation and procurement necessary for modernization  
16           of an existing system or of a system being procured  
17           under an ongoing procurement program.

18       “(e) **LIMITATIONS.**—(1) Funds from the Defense  
19       Modernization Account may not be used to increase the  
20       quantity of an item or services procured under a particular  
21       procurement program to the extent that doing so would—

22           “(A) result in procurement of a total quantity  
23           of items or services in excess of—

1           “(i) a specific limitation provided in law on  
2           the quantity of the items or services that may  
3           be procured; or

4           “(ii) the requirement for the items or serv-  
5           ices as approved by the Joint Requirements  
6           Oversight Council and reported to Congress by  
7           the Secretary of Defense; or

8           “(B) result in an obligation or expenditure of  
9           funds in excess of a specific limitation provided in  
10          law on the amount that may be obligated or ex-  
11          pended, respectively, for the procurement program.

12          “(2) Funds from the Defense Modernization Account  
13          may not be used for a purpose or program for which Con-  
14          gress has not authorized appropriations.

15          “(3) Funds may not be transferred from the Defense  
16          Modernization Account in any year for the purpose of—

17                 “(A) making any expenditure for which there is  
18                 no corresponding obligation; or

19                 “(B) making any expenditure that would satisfy  
20                 an unliquidated or unrecorded obligation arising in  
21                 a prior fiscal year.

22          “(f) TRANSFER OF FUNDS.—(1) Funds in the De-  
23          fense Modernization Account may be transferred in any  
24          fiscal year to appropriations available for use for purposes  
25          set forth in subsection (d).

1       “(2) Before funds in the Defense Modernization Ac-  
2 count are transferred under paragraph (1), the Secretary  
3 concerned shall transmit to the congressional defense com-  
4 mittees a notification of the amount and purpose of the  
5 proposed transfer.

6       “(3) The total amount of the transfers from the De-  
7 fense Modernization Account may not exceed  
8 \$500,000,000 in any fiscal year.

9       “(g) AVAILABILITY OF FUNDS FOR APPROPRIA-  
10 TION.—Funds in the Defense Modernization Account may  
11 be appropriated for purposes set forth in subsection (d)  
12 to the extent provided in Acts authorizing appropriations  
13 for the Department of the Defense.

14       “(h) SECRETARY TO ACT THROUGH COMPTROL-  
15 LER.—In exercising authority under this section, the Sec-  
16 retary of Defense shall act through the Under Secretary  
17 of Defense (Comptroller), who shall be authorized to im-  
18 plement this section through the issuance of any necessary  
19 regulations, policies, and procedures after consultation  
20 with the General Counsel and Inspector General of the De-  
21 partment of Defense.

22       “(i) QUARTERLY REPORT.—Not later than 15 days  
23 after the end of each calendar quarter, the Secretary of  
24 Defense shall submit to the appropriate committees of  
25 Congress a report setting forth the amount and source of

1 each credit to the Defense Modernization Account during  
2 the quarter and the amount and purpose of each transfer  
3 from the account during the quarter.

4 “(j) DEFINITIONS.—In this section:

5 “(1) The term ‘Secretary concerned’ includes  
6 the Secretary of Defense.

7 “(2) The term ‘unexpired funds’ means funds  
8 appropriated for a definite period that remain avail-  
9 able for obligation.

10 “(3) The term ‘congressional defense commit-  
11 tees’ means—

12 “(A) the Committees on Armed Services  
13 and Appropriations of the Senate; and

14 “(B) the Committees on National Security  
15 and Appropriations of the House of Representa-  
16 tives.

17 “(4) The term ‘appropriate committees of Con-  
18 gress’ means—

19 “(A) the congressional defense committees;

20 “(B) the Committee on Governmental Af-  
21 fairs of the Senate; and

22 “(C) the Committee on Government Re-  
23 form and Oversight of the House of Represent-  
24 atives.

1       “(k) INAPPLICABILITY TO COAST GUARD.—This sec-  
2 tion does not apply to the Coast Guard when it is not  
3 operating as a service in the Navy.”.

4       (2) The table of sections at the beginning of chapter  
5 131 of such title is amended by adding at the end the  
6 following:

“2221. Defense Modernization Account.”.

7       (b) EFFECTIVE DATE.—Section 2221 of title 10,  
8 United States Code (as added by subsection (a)), shall  
9 take effect on October 1, 1995, and shall apply only to  
10 funds appropriated for fiscal years beginning on or after  
11 that date.

12       (c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1)  
13 The authority under section 2221(b) of title 10, United  
14 States Code (as added by subsection (a)), to transfer  
15 funds into the Defense Modernization Account shall termi-  
16 nate on October 1, 2003.

17       (2) Three years after the termination of transfer au-  
18 thority under paragraph (1), the Defense Modernization  
19 Account shall be closed and the remaining balance in the  
20 account shall be canceled and thereafter shall not be avail-  
21 able for any purpose.

22       (3)(A) The Comptroller General of the United States  
23 shall conduct two reviews of the administration of the De-  
24 fense Modernization Account. In each review, the Comp-

1 troller General shall assess the operations and benefits of  
2 the account.

3 (B) Not later than March 1, 2000, the Comptroller  
4 General shall—

5 (i) complete the first review; and

6 (ii) submit to the appropriate committees of  
7 Congress an initial report on the administration and  
8 benefits of the Defense Modernization Account.

9 (C) Not later than March 1, 2003, the Comptroller  
10 General shall—

11 (i) complete the second review; and

12 (ii) submit to the appropriate committees of  
13 Congress a final report on the administration and  
14 benefits of the Defense Modernization Account.

15 (D) Each report shall include any recommended legis-  
16 lation regarding the account that the Comptroller General  
17 considers appropriate.

18 (E) In this paragraph, the term “appropriate com-  
19 mittees of Congress” has the meaning given such term in  
20 section 2221(j)(4) of title 10, United States Code, as  
21 added by subsection (a).

1 **SEC. 1004. AUTHORIZATION OF PRIOR EMERGENCY SUP-**  
2 **PLEMENTAL APPROPRIATIONS FOR FISCAL**  
3 **YEAR 1995.**

4 (a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—  
5 Amounts authorized to be appropriated to the Department  
6 of Defense for fiscal year 1995 in the National Defense  
7 Authorization Act for Fiscal Year 1995 (Public Law 103–  
8 337) are hereby adjusted, with respect to any such author-  
9 ized amount, by the amount by which appropriations pur-  
10 suant to such authorization were increased (by a supple-  
11 mental appropriation) or decreased (by a rescission), or  
12 both, in title I of the Emergency Supplemental Appropria-  
13 tions and Rescissions for the Department of Defense to  
14 Preserve and Enhance Military Readiness Act of 1995  
15 (Public Law 104–6).

16 (b) NEW AUTHORIZATION.—The appropriation pro-  
17 vided in section 104 of such Act is hereby authorized.

18 **SEC. 1005. LIMITATION ON USE OF AUTHORITY TO PAY FOR**  
19 **EMERGENCY AND EXTRAORDINARY EX-**  
20 **PENSES.**

21 Section 127 of title 10, United States Code, is  
22 amended—

23 (1) by redesignating subsection (c) as sub-  
24 section (d); and

25 (2) by inserting after subsection (b) the follow-  
26 ing new subsection (c):

1       “(c)(1) Funds may not be obligated or expended in  
2 an amount in excess of \$500,000 under the authority of  
3 subsection (a) or (b) until the Secretary of Defense has  
4 notified the Committees on Armed Services and Appro-  
5 priations of the Senate and the Committees on National  
6 Security and Appropriations of the House of Representa-  
7 tives of the intent to obligate or expend the funds, and—

8           “(A) in the case of an obligation or expenditure  
9 in excess of \$1,000,000, 15 days have elapsed since  
10 the date of the notification; or

11          “(B) in the case of an obligation or expenditure  
12 in excess of \$500,000, but not in excess of  
13 \$1,000,000, 5 days have elapsed since the date of  
14 the notification.

15       “(2) Subparagraph (A) or (B) of paragraph (1) shall  
16 not apply to an obligation or expenditure of funds other-  
17 wise covered by such subparagraph if the Secretary of De-  
18 fense determines that the national security objectives of  
19 the United States will be compromised by the application  
20 of the subparagraph to the obligation or expenditure. If  
21 the Secretary makes a determination with respect to an  
22 expenditure under the preceding sentence, the Secretary  
23 shall notify the committees referred to in paragraph (1)  
24 not later than the later of—

1           “(A) 30 days after the date of the expenditure;

2           or

3           “(B) the date on which the activity for which  
4           the expenditure is made is completed.

5           “(3) A notification under this subsection shall include  
6           the amount to be obligated or expended, as the case may  
7           be, and the purpose of the obligation or expenditure.”.

8   **SEC. 1006. TRANSFER AUTHORITY REGARDING FUNDS**  
9                   **AVAILABLE FOR FOREIGN CURRENCY FLUC-**  
10                   **TUATIONS.**

11           (a) TRANSFERS TO MILITARY PERSONNEL AC-  
12           COUNTS AUTHORIZED.—Section 2779 of title 10, United  
13           States Code, is amended by adding at the end the follow-  
14           ing:

15           “(c) TRANSFERS TO MILITARY PERSONNEL AC-  
16           COUNTS.—(1) The Secretary of Defense may transfer  
17           funds to military personnel appropriations for a fiscal year  
18           out of funds available to the Department of Defense for  
19           that fiscal year under the appropriation ‘Foreign Currency  
20           Fluctuations, Defense’.

21           “(2) This subsection applies with respect to appro-  
22           priations for fiscal years beginning after September 30,  
23           1995.”.

24           (b) REVISION AND CODIFICATION OF AUTHORITY  
25           FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS

1 ACCOUNT.—Section 2779 of such title, as amended by  
2 subsection (a), is further amended by adding at the end  
3 the following:

4       “(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUA-  
5 TIONS ACCOUNT.—(1) The Secretary of Defense may  
6 transfer to the appropriation ‘Foreign Currency Fluctua-  
7 tions, Defense’ unobligated amounts of funds appropriated  
8 for operation and maintenance and unobligated amounts  
9 of funds appropriated for military personnel.

10       “(2) Any transfer from an appropriation under para-  
11 graph (1) shall be made not later than the end of the sec-  
12 ond fiscal year following the fiscal year for which the ap-  
13 propriation is provided.

14       “(3) Any transfer made pursuant to the authority  
15 provided in this subsection shall be limited so that the  
16 amount in the appropriation ‘Foreign Currency Fluctua-  
17 tions, Defense’ does not exceed \$970,000,000 at the time  
18 such transfer is made.

19       “(4) This subsection applies with respect to appro-  
20 priations for fiscal years beginning after September 30,  
21 1995.”.

22       (c) CONDITIONS OF AVAILABILITY FOR TRANS-  
23 FERRED FUNDS.—Section 2779 of such title, as amended  
24 by subsection (b), is further amended by adding at the  
25 end the following:

1       “(e) CONDITIONS OF AVAILABILITY FOR TRANS-  
2 FERRED FUNDS.—Amounts transferred under subsection  
3 (c) or (d) shall be merged with and be available for the  
4 same purposes and for the same period as the appropria-  
5 tions to which transferred.”.

6       (d) CONFORMING AND TECHNICAL AMENDMENTS.—  
7 (1) Section 767A of Public Law 96–527 (94 Stat. 3093)  
8 is repealed.

9       (2) Section 791 of the Department of Defense Appro-  
10 priation Act, 1983 (enacted in section 101(c) of Public  
11 Law 97–377; 96 Stat. 1865) is repealed.

12       (3) Section 2779 of title 10, United States Code, is  
13 amended—

14           (A) in subsection (a), by striking out “(a)(1)”  
15 and inserting in lieu thereof “(a) TRANSFERS BACK  
16 TO FOREIGN CURRENCY FLUCTUATIONS APPRO-  
17 PRIATION.—(1) ”; and

18           (B) in subsection (b), by striking out “(b)(1)”  
19 and inserting in lieu thereof “(b) FUNDING FOR  
20 LOSSES IN MILITARY CONSTRUCTION AND FAMILY  
21 HOUSING.—(1)”.

22 **SEC. 1007. REPORT ON BUDGET SUBMISSION REGARDING**  
23 **RESERVE COMPONENTS.**

24       (a) SPECIAL REPORT.—The Secretary of Defense  
25 shall submit to the congressional defense committees, at

1 the same time that the President submits the budget for  
2 fiscal year 1997 under section 1105(a) of title 31, United  
3 States Code, a special report on funding for the reserve  
4 components of the Armed Forces.

5 (b) CONTENT.—The report shall contain the follow-  
6 ing:

7 (1) The actions taken by the Department of  
8 Defense to enhance the Army National Guard, the  
9 Air National Guard, and each of the other reserve  
10 components.

11 (2) A separate listing, with respect to the Army  
12 National Guard, the Air National Guard, and each  
13 of the other reserve components, of each of the fol-  
14 lowing:

15 (A) The specific amount requested for each  
16 major weapon system.

17 (B) The specific amount requested for  
18 each item of equipment.

19 (C) The specific amount requested for each  
20 military construction project, together with the  
21 location of each such project.

22 (3) If the total amount reported in accordance  
23 with paragraph (2) is less than \$1,080,000,000, an  
24 additional separate listing described in paragraph  
25 (2) in a total amount equal to \$1,080,000,000.

## 1           **Subtitle B—Naval Vessels**

### 2   **SEC. 1011. IOWA CLASS BATTLESHIPS.**

3           (a) RETURN TO NAVAL VESSEL REGISTER.—The  
4 Secretary of the Navy shall list on the Naval Vessel Reg-  
5 ister, and maintain on such register, at least two of the  
6 Iowa class battleships that were stricken from the register  
7 in February 1995.

8           (b) SELECTION OF SHIPS.—The Secretary shall se-  
9 lect for listing on the register under subsection (a) the  
10 Iowa class battleships that are in the best material condi-  
11 tion. In determining which battleships are in the best ma-  
12 terial condition, the Secretary shall take into consideration  
13 the findings of the Board of Inspection and Survey of the  
14 Navy, the extent to which each battleship has been mod-  
15 ernized during the last period of active service of the bat-  
16 tleship, and the military utility of each battleship after the  
17 modernization.

18           (c) SUPPORT.—The Secretary shall retain the exist-  
19 ing logistical support necessary for support of at least two  
20 operational Iowa class battleships in active service, includ-  
21 ing technical manuals, repair and replacement parts, and  
22 ordnance.

23           (d) REPLACEMENT CAPABILITY.—The requirements  
24 of this section shall cease to be effective 60 days after the  
25 Secretary certifies in writing to the Committee on Armed

1 Services of the Senate and the Committee on National Se-  
2 curity of the House of Representatives that the Navy has  
3 within the fleet an operational surface fire support capa-  
4 bility that equals or exceeds the fire support capability  
5 that the Iowa class battleships listed on the Naval Vessel  
6 Register pursuant to subsection (a) would, if in active  
7 service, be able to provide for Marine Corps amphibious  
8 assaults and operations ashore.

9 **SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN**  
10 **FOREIGN COUNTRIES.**

11 (a) **AUTHORITY.**—The Secretary of the Navy is au-  
12 thorized to transfer—

13 (1) to the Government of Bahrain the Oliver  
14 Hazard Perry class guided missile frigate Jack Wil-  
15 liams (FFG 24);

16 (2) to the Government of Egypt the Oliver Haz-  
17 ard Perry class frigates Duncan (FFG 10) and  
18 Copeland (FFG 25);

19 (3) to the Government of Oman the Oliver Haz-  
20 ard Perry class guided missile frigate Mahlon S. Tis-  
21 dale (FFG 27);

22 (4) to the Government of Turkey the Oliver  
23 Hazard Perry class frigates Clifton Sprague (FFG  
24 16), Antrim (FFG 20), and Flatley (FFG 21); and

1           (5) to the Government of the United Arab  
2           Emirates the Oliver Hazard Perry class guided mis-  
3           sile frigate Gallery (FFG 26).

4           (b) FORMS OF TRANSFER.—(1) A transfer under  
5           paragraph (1), (2), (3), or (4) of subsection (a) shall be  
6           on a grant basis under section 516 of the Foreign Assist-  
7           ance Act of 1961 (22 U.S.C. 2321j).

8           (2) A transfer under paragraph (5) of subsection (a)  
9           shall be on a lease basis under section 61 of the Arms  
10          Export Control Act (22 U.S.C. 2796).

11          (c) COSTS OF TRANSFERS.—Any expense incurred by  
12          the United States in connection with a transfer authorized  
13          by subsection (a) shall be charged to the recipient.

14          (d) EXPIRATION OF AUTHORITY.—The authority to  
15          transfer a vessel under subsection (a) shall expire at the  
16          end of the 2-year period beginning on the date of the en-  
17          actment of this Act, except that a lease entered into dur-  
18          ing that period under subsection (b)(2) may be renewed.

19          **SEC. 1013. NAMING AMPHIBIOUS SHIPS.**

20          (a) FINDINGS.—The Senate finds that:

21                  (1) This year is the fiftieth anniversary of the  
22                  battle of Iwo Jima, one of the great victories in all  
23                  of the Marine Corps' illustrious history.

24                  (2) The Navy has recently retired the ship that  
25                  honored that battle, the U.S.S. IWO JIMA (LPH-

1       2), the first ship in a class of amphibious assault  
2       ships.

3           (3) This Act authorizes the LHD-7, the final  
4       ship of the Wasp class of amphibious assault ships  
5       that will replace the Iwo Jima class of ships.

6           (4) The Navy is planning to start building a  
7       new class of amphibious transport docks, now called  
8       the LPD-17 class. This Act also authorizes funds  
9       that will lead to procurement of these vessels.

10          (5) There has been some confusion in the ra-  
11       tionale behind naming new naval vessels with tradi-  
12       tional naming conventions frequently violated.

13          (6) Although there have been good and suffi-  
14       cient reasons to depart from naming conventions in  
15       the past, the rationale for such departures has not  
16       always been clear.

17       (b) SENSE OF THE SENATE.—In light of these find-  
18       ings, expressed in subsection (a), it is the sense of the  
19       Senate that the Secretary of the Navy should:

20           (1) Name the LHD-7 the U.S.S. IWO JIMA.

21           (2) Name the LPD-17 and all future ships of  
22       the LPD-17 class after famous Marine Corps bat-  
23       tles or famous Marine Corps heroes.

1                   **Subtitle C—Counter-Drug**  
2                   **Activities**

3   **SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY**  
4                   **FOR FEDERAL SUPPORT OF DRUG INTERDIC-**  
5                   **TION AND COUNTER-DRUG ACTIVITIES OF**  
6                   **THE NATIONAL GUARD.**

7           (a) FUNDING ASSISTANCE.—Subsection (a) of sec-  
8 tion 112 of title 32, United States Code, is amended—

9                   (1) by striking out “submits a plan to the Sec-  
10           retary under subsection (b)” in the matter above  
11           paragraph (1) and inserting in lieu thereof “submits  
12           to the Secretary a State drug interdiction and  
13           counter-drug activities plan satisfying the require-  
14           ments of subsection (c)”;

15                   (2) by redesignating paragraph (2) as para-  
16           graph (3); and

17                   (3) by striking out paragraph (1) and inserting  
18           in lieu thereof the following:

19                   “(1) the pay, allowances, clothing, subsistence,  
20           gratuities, travel, and related expenses, as author-  
21           ized by State law, of personnel of the National  
22           Guard of that State used, while not in Federal serv-  
23           ice, for the purpose of drug interdiction and counter-  
24           drug activities;

1           “(2) the operation and maintenance of the  
2           equipment and facilities of the National Guard of  
3           that State used for the purpose of drug interdiction  
4           and counter-drug activities; and”.

5           (b) USE OF PERSONNEL PERFORMING FULL-TIME  
6 NATIONAL GUARD DUTY.—Section 112 of such title is  
7 amended—

8           (1) by striking out subsection (e);

9           (2) by redesignating subsections (b), (c), (d),  
10          and (f) as subsections (c), (d), (f), and (g), respec-  
11          tively; and

12          (3) by inserting after subsection (a) the follow-  
13          ing new subsection (b):

14          “(b) USE OF PERSONNEL PERFORMING FULL TIME  
15 NATIONAL GUARD DUTY.—(1) Subject to subsection (e),  
16 personnel of the National Guard of a State may be ordered  
17 to perform full-time National Guard duty under section  
18 502(f) of this title for the purpose of carrying out drug  
19 interdiction and counter-drug activities.

20          “(2) Under regulations prescribed by the Secretary  
21 of Defense, the Governor of a State may, in accordance  
22 with the State drug interdiction and counter-drug activi-  
23 ties plan referred to in subsection (c), request that person-  
24 nel of the National Guard of the State be ordered to per-  
25 form full-time National Guard duty under section 502(f)

1 of this title for the purpose of carrying out drug interdic-  
2 tion and counter-drug activities.”.

3 (c) STATE PLAN.—Subsection (c) of such section, as  
4 redesignated by subsection (b)(2), is amended—

5 (1) in the matter above paragraph (1), by strik-  
6 ing out “A plan” and inserting in lieu thereof “A  
7 State drug interdiction and counter-drug activities  
8 plan”;

9 (2) by striking out “and” at the end of para-  
10 graph (2); and

11 (3) in paragraph (3)—

12 (A) by striking out “annual training” and  
13 inserting in lieu thereof “training”;

14 (B) by striking out the period at the end  
15 and inserting in lieu thereof a semicolon; and

16 (C) by adding at the end the following:

17 “(4) include a certification by the Attorney  
18 General of the State (or, in the case of a State with  
19 no position of Attorney General, a civilian official of  
20 the State equivalent to a State attorney general)  
21 that the use of the National Guard of the State for  
22 the activities proposed under the plan is authorized  
23 by, and is consistent with, State law; and

24 “(5) certify that the Governor of the State or  
25 a civilian law enforcement official of the State des-

1       ignated by the Governor has determined that any ac-  
2       tivities included in the plan that are carried out in  
3       conjunction with Federal law enforcement agencies  
4       serve a State law enforcement purpose.”.

5       (d) EXAMINATION OF STATE PLAN.—Subsection (d)  
6 of such section, as redesignated by subsection (b)(2), is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) by inserting after “Before funds are  
10                   provided to the Governor of a State under this  
11                   section” the following: “and before members of  
12                   the National Guard of that State are ordered to  
13                   full-time National Guard duty as authorized in  
14                   subsection (b)(1)”; and

15                   (B) by striking out “subsection (b)” and  
16                   inserting in lieu thereof “subsection (c)”; and

17           (2) in paragraph (3)—

18                   (A) by striking out “subsection (b)” in  
19                   subparagraph (A) and inserting in lieu thereof  
20                   “subsection (c)”; and

21                   (B) by striking out subparagraph (B) and  
22                   inserting in lieu thereof the following:

23                   “(B) pursuant to the plan submitted for a pre-  
24                   vious fiscal year, funds were provided to the State  
25                   in accordance with subsection (a) or personnel of the

1 National Guard of the State were ordered to per-  
2 form full-time National Guard duty in accordance  
3 with subsection (b).”.

4 (e) END STRENGTH LIMITATION.—Such section is  
5 amended by inserting after subsection (d), as redesignated  
6 by subsection (b)(2), the following new subsection (e):

7 “(e) END STRENGTH LIMITATION.—(1) Except as  
8 provided in paragraph (2), at the end of a fiscal year there  
9 may not be more than 4000 members of the National  
10 Guard—

11 “(A) on full-time National Guard duty under  
12 section 502(f) of this title to perform drug interdic-  
13 tion or counter-drug activities pursuant to an order  
14 to duty for a period of more than 180 days; or

15 “(B) on duty under State authority to perform  
16 drug interdiction or counter-drug activities pursuant  
17 to an order to duty for a period of more than 180  
18 days with State pay and allowances being reim-  
19 bursed with funds provided under subsection (a)(1).

20 “(2) The Secretary of Defense may increase the end  
21 strength authorized under paragraph (1) by not more than  
22 20 percent for any fiscal year if the Secretary determines  
23 that such an increase is necessary in the national security  
24 interests of the United States.”.

1 (f) DEFINITIONS.—Subsection (g) of such section, as  
2 redesignated by subsection (b)(2), is amended by striking  
3 out paragraph (1) and inserting in lieu thereof the follow-  
4 ing:

5 “(1) The term ‘drug interdiction and counter-  
6 drug activities’, with respect to the National Guard  
7 of a State, means the use of National Guard person-  
8 nel in drug interdiction and counter-drug law en-  
9 forcement activities authorized by the law of the  
10 State and requested by the Governor of the State.”.

11 **SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.**

12 (a) LIMITATION ON USE OF FUNDS.—Except as pro-  
13 vided in subsection (b), funds appropriated or otherwise  
14 made available for the Department of Defense pursuant  
15 to this or any other Act may not be obligated or expended  
16 for the National Drug Intelligence Center, Johnstown,  
17 Pennsylvania.

18 (b) EXCEPTION.—If the Attorney General operates  
19 the National Drug Intelligence Center using funds avail-  
20 able for the Department of Justice, the Secretary of De-  
21 fense may continue to provide Department of Defense in-  
22 telligence personnel to support intelligence activities at the  
23 Center. The number of such personnel providing support  
24 to the Center after the date of the enactment of this Act  
25 may not exceed the number of the Department of Defense

1 intelligence personnel who are supporting intelligence ac-  
2 tivities at the Center on the day before such date.

3 **SEC. 1023. ASSISTANCE TO CUSTOMS SERVICE.**

4 (a) NONINTRUSIVE INSPECTION SYSTEMS.—The  
5 Secretary of Defense shall, using funds available pursuant  
6 to subsection (b), either—

7 (1) procure nonintrusive inspection systems and  
8 transfer the systems to the United States Customs  
9 Service; or

10 (2) transfer the funds to the Secretary of the  
11 Treasury for use to procure nonintrusive inspection  
12 systems for the United States Customs Service.

13 (b) FUNDING.—Of the amounts authorized to be ap-  
14 propriated under section 301(15), \$25,000,000 shall be  
15 available for carrying out subsection (a).

16 **Subtitle D—Department of Defense**  
17 **Education Programs**

18 **SEC. 1031. CONTINUATION OF THE UNIFORMED SERVICES**

19 **UNIVERSITY OF THE HEALTH SCIENCES.**

20 (a) POLICY.—Congress reaffirms—

21 (1) the prohibition set forth in subsection (a) of  
22 section 922 of the National Defense Authorization  
23 Act for Fiscal Year 1995 (Public Law 103–337; 108  
24 Stat. 2829; 10 U.S.C. 2112 note) regarding closure

1 of the Uniformed Services University of the Health  
2 Sciences; and

3 (2) the expression of the sense of Congress set  
4 forth in subsection (b) of such section regarding the  
5 budgetary commitment to continuation of the uni-  
6 versity.

7 (b) PERSONNEL STRENGTH.—During the 5-year pe-  
8 riod beginning on October 1, 1995, the personnel staffing  
9 levels for the Uniformed Services University of the Health  
10 Services may not be reduced below the personnel staffing  
11 levels for the university as of October 1, 1993.

12 **SEC. 1032. ADDITIONAL GRADUATE SCHOOLS AND PRO-**  
13 **GRAMS AT THE UNIFORMED SERVICES UNI-**  
14 **VERSITY OF THE HEALTH SCIENCES.**

15 Section 2113 of title 10, United States Code, is  
16 amended by striking out subsection (h) and inserting in  
17 lieu thereof the following:

18 “(h) The Board may establish the following edu-  
19 cational programs:

20 “(1) Postdoctoral, postgraduate, and techno-  
21 logical institutes.

22 “(2) A graduate school of nursing.

23 “(3) Other schools or programs that the Board  
24 determines necessary in order to operate the Univer-  
25 sity in a cost-effective manner.”.

1 **SEC. 1033. FUNDING FOR BASIC ADULT EDUCATION PRO-**  
2 **GRAMS FOR MILITARY PERSONNEL AND DE-**  
3 **PENDENTS OUTSIDE THE UNITED STATES.**

4 Of the amounts authorized to be appropriated pursu-  
5 ant to section 301, \$600,000 shall be available to carry  
6 out adult education programs, consistent with the Adult  
7 Education Act (20 U.S.C. 1201 et seq.), for—

8 (1) members of the Armed Forces who are serv-  
9 ing in locations that are outside the United States  
10 and not described in subsection (b) of such section  
11 313; and

12 (2) the dependents of such members.

13 **SEC. 1034. SCOPE OF EDUCATION PROGRAMS OF COMMU-**  
14 **NITY COLLEGE OF THE AIR FORCE.**

15 Section 9315(a)(1) of title 10, United States Code,  
16 is amended by striking out “for enlisted members of the  
17 armed forces” and inserting in lieu thereof “for enlisted  
18 members of the Air Force”.

19 **SEC. 1035. DATE FOR ANNUAL REPORT ON SELECTED RE-**  
20 **SERVE EDUCATIONAL ASSISTANCE PRO-**  
21 **GRAM.**

22 Section 16137 of title 10, United States Code, is  
23 amended by striking out “December 15 of each year” and  
24 inserting in lieu thereof “March 1 of each year”.

1 **SEC. 1036. ESTABLISHMENT OF JUNIOR R.O.T.C. UNITS IN**  
2 **INDIAN RESERVATION SCHOOLS.**

3 It is the sense of Congress that the Secretary of De-  
4 fense should ensure that secondary educational institu-  
5 tions on Indian reservations are afforded a full oppor-  
6 tunity along with other secondary educational institutions  
7 to be selected as locations for establishment of new Junior  
8 Reserve Officers' Training Corps units.

9 **Subtitle E—Cooperative Threat Re-**  
10 **duction With States of the**  
11 **Former Soviet Union**

12 **SEC. 1041. COOPERATIVE THREAT REDUCTION PROGRAMS**  
13 **DEFINED.**

14 For purposes of this subtitle, Cooperative Threat Re-  
15 duction programs are the programs described in section  
16 1203(b) of the Cooperative Threat Reduction Act of 1993  
17 (title XII of Public Law 103–160; 107 Stat. 1778; 22  
18 U.S.C. 5952(b)).

19 **SEC. 1042. FUNDING MATTERS.**

20 (a) **LIMITATION.**—Funds authorized to be appro-  
21 priated under section 301(18) may not be obligated for  
22 any program established primarily to assist nuclear weap-  
23 ons scientists in States of the former Soviet Union until  
24 30 days after the date on which the Secretary of Defense  
25 certifies in writing to Congress that the funds to be obli-  
26 gated will not be used to contribute to the modernization

1 of the strategic nuclear forces of such States or for re-  
2 search, development, or production of weapons of mass de-  
3 struction.

4 (b) REIMBURSEMENT OF PAY ACCOUNTS.—Funds  
5 authorized to be appropriated under section 301(18) may  
6 be transferred to military personnel accounts for reim-  
7 bursement of those accounts for the pay and allowances  
8 paid to reserve component personnel for service while en-  
9 gaged in any activity under a Cooperative Threat Reduc-  
10 tion program.

11 **SEC. 1043. LIMITATION RELATING TO OFFENSIVE BIOLOGI-  
12 CAL WARFARE PROGRAM OF RUSSIA.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) Even though the President of Russia and  
16 other senior leaders of the Russian government have  
17 committed Russia to comply with the Biological  
18 Weapons Convention, a June 1995 United States  
19 Government report asserts that official United  
20 States concern remains about the Russian biological  
21 warfare program.

22 (2) In reviewing the President's budget request  
23 for fiscal year 1996 for Cooperative Threat Reduc-  
24 tion, and consistent with the finding in section  
25 1207(a)(5) of the National Defense Authorization

1 Act for Fiscal Year 1995 (Public Law 103–337; 108  
2 Stat. 2884), the Senate has taken into consideration  
3 the questions and concerns about Russia’s biological  
4 warfare program and Russia’s compliance with the  
5 obligations under the Biological Weapons Conven-  
6 tion.

7 (b) **LIMITATION ON USE OF FUNDS FOR COOPERA-**  
8 **TIVE THREAT REDUCTION.**—Of the amount available  
9 under section 301(18) for Cooperative Threat Reduction  
10 programs, \$50,000,000 shall be reserved and not obligated  
11 until the President certifies to Congress that Russia is in  
12 compliance with the obligations under the Biological  
13 Weapons Convention.

14 **SEC. 1044. LIMITATION ON USE OF FUNDS FOR COOPERA-**  
15 **TIVE THREAT REDUCTION.**

16 (a) **LIMITATION.**—Of the funds appropriated or oth-  
17 erwise made available for fiscal year 1996 under the head-  
18 ing “FORMER SOVIET UNION THREAT REDUCTION” for  
19 dismantlement and destruction of chemical weapons, not  
20 more than \$52,000,000 may be obligated or expended for  
21 that purpose until the President certifies to Congress the  
22 following:

23 (1) That the United States and Russia have  
24 completed a joint laboratory study evaluating the

1 proposal of Russia to neutralize its chemical weap-  
2 ons and the United States agrees with the proposal.

3 (2) That Russia is in the process of preparing,  
4 with the assistance of the United States (if nec-  
5 essary), a comprehensive plan to manage the dis-  
6 mantlement and destruction of the Russia chemical  
7 weapons stockpile.

8 (3) That the United States and Russia are  
9 committed to resolving outstanding issues under the  
10 1989 Wyoming Memorandum of Understanding and  
11 the 1990 Bilateral Destruction Agreement.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “1989 Wyoming Memorandum of  
14 Understanding” means the Memorandum of Under-  
15 standing between the Government of the United  
16 States of America and the Government of the Union  
17 of Soviet Socialist Republics Regarding a Bilateral  
18 Verification Experiment and Data Exchange Related  
19 to Prohibition on Chemical Weapons, signed at  
20 Jackson Hole, Wyoming, on September 23, 1989.

21 (2) The term “1990 Bilateral Destruction  
22 Agreement” means the Agreement between the Unit-  
23 ed States of America and the Union of Soviet Social-  
24 ist Republics on destruction and non-production of  
25 chemical weapons and on measures to facilitate the

1       multilateral convention on banning chemical weapons  
2       signed on June 1, 1990.

3       **Subtitle F—Matters Relating to**  
4       **Other Nations**

5       **SEC. 1051. COOPERATIVE RESEARCH AND DEVELOPMENT**  
6       **AGREEMENTS WITH NATO ORGANIZATIONS.**

7       Section 2350b(e) of title 10, United States Code, is  
8       amended—

9               (1) in paragraph (1), by inserting “or a NATO  
10       organization” after “a participant (other than the  
11       United States)”; and

12              (2) in paragraph (2), by inserting “or a NATO  
13       organization” after “a cooperative project”.

14       **SEC. 1052. NATIONAL SECURITY IMPLICATIONS OF UNITED**  
15       **STATES EXPORT CONTROL POLICY.**

16       (a) FINDINGS.—Congress makes the following find-  
17       ings:

18              (1) Export controls remain an important ele-  
19       ment of the national security policy of the United  
20       States.

21              (2) It is in the national interest that United  
22       States export control policy prevent the transfer, to  
23       potential adversaries or combatants of the United  
24       States, of technology that threatens the national se-  
25       curity or defense of the United States.

1           (3) It is in the national interest that the United  
2 States monitor aggressively the export of technology  
3 in order to prevent its diversion to potential adver-  
4 saries or combatants of the United States.

5           (4) The Department of Defense relies increas-  
6 ingly on commercial and dual-use technologies, prod-  
7 ucts, and processes to support United States mili-  
8 tary capabilities and economic strength.

9           (5) The Department of Defense evaluates li-  
10 cense applications for the export of commodities  
11 whose export is controlled for national security rea-  
12 sons if such commodities are exported to certain  
13 countries, but the Department does not evaluate li-  
14 cense applications for the export of such commod-  
15 ities if such commodities are exported to other coun-  
16 tries.

17       (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19           (1) the maintenance of the military advantage  
20 of the United States depends on effective export con-  
21 trols on dual-use items and technologies that are  
22 critical to the military capabilities of the Armed  
23 Forces;

24           (2) the Government should identify the dual-use  
25 items and technologies that are critical to the mili-

1 tary capabilities of the Armed Forces, including the  
2 military use made of such items and technologies,  
3 and should reevaluate the export control policy of  
4 the United States in light of such identification; and

5 (3) the Government should utilize unilateral ex-  
6 port controls on dual-use items and technologies that  
7 are critical to the military capabilities of the Armed  
8 Forces (regardless of the availability of such items  
9 or technologies overseas) with respect to the coun-  
10 tries that—

11 (A) pose a threat to the national security  
12 interests of the United States; and

13 (B) are not members in good standing of  
14 bilateral or multilateral agreements to which  
15 the United States is a party on the use of such  
16 items and technologies.

17 (c) REPORT REQUIRED.—(1) Not later than Decem-  
18 ber 1, 1995, the Secretary of Defense shall submit to the  
19 Committees on Armed Services and on Foreign Relations  
20 of the Senate and the Committees on National Security  
21 and on International Relations of the House of Represent-  
22 atives a report on the effect of the export control policy  
23 of the United States on the national security interests of  
24 the United States.

25 (2) The report shall include the following:

1 (A) A list setting forth each country determined  
2 to be a rogue nation or potential adversary or com-  
3 batant of the United States.

4 (B) For each country so listed, a list of—

5 (i) the categories of items that should be  
6 prohibited for export to the country;

7 (ii) the categories of items that should be  
8 exported to the country only under an individ-  
9 ual license with conditions; and

10 (iii) the categories of items that may be ex-  
11 ported to the country under a general distribu-  
12 tion license.

13 (C) For each category of items listed under  
14 clauses (ii) and (iii) of subparagraph (B)—

15 (i) a statement whether export controls on  
16 the category of items are to be imposed under  
17 a multilateral international agreement or a uni-  
18 lateral decision of the United States; and

19 (ii) a justification for the decision not to  
20 prohibit the export of the items to the country.

21 (D) A description of United States policy on  
22 sharing satellite imagery that has military signifi-  
23 cance and a discussion of the criteria for determin-  
24 ing the imagery that has that significance.

1 (E) A description of the relationship between  
2 United States policy on the export of space launch  
3 vehicle technology and the Missile Technology Con-  
4 trol Regime.

5 (F) An assessment of United States efforts to  
6 support the inclusion of additional countries in the  
7 Missile Technology Control Regime.

8 (G) An assessment of the on-going efforts made  
9 by potential participant countries in the Missile  
10 Technology Control Regime to meet the guidelines  
11 established by the Missile Technology Control Re-  
12 gime.

13 (H) A brief discussion of the history of the  
14 space launch vehicle programs of other countries, in-  
15 cluding a discussion of the military origins and pur-  
16 poses of such programs and the current level of mili-  
17 tary involvement in such programs.

18 (3) The Secretary shall submit the report in unclassi-  
19 fied form but may include a classified annex.

20 (4) In this subsection, the term “Missile Technology  
21 Control Regime” means the policy statement between the  
22 United States , the United Kingdom, the Federal Republic  
23 of Germany, France, Italy, Canada, and Japan, an-  
24 nounced on April 16, 1987, to restrict sensitive missile-

1 relevant transfers based on the Missile Technology Control  
2 Regime Annex, and any amendments thereto.

3 (d) DEPARTMENT OF DEFENSE REVIEW OF EXPORT  
4 LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.—(1)  
5 Notwithstanding any other provision of law, the Secretary  
6 of Defense shall, in consultation with appropriate elements  
7 of the intelligence community, review each application that  
8 is submitted to the Secretary of Commerce for an individ-  
9 ual validated license for the export of a class 2, class 3,  
10 or class 4 biological pathogen to a country known or sus-  
11 pected to have an offensive biological weapons program.  
12 The purpose of the review is to determine if the export  
13 of the pathogen pursuant to the license would be contrary  
14 to the national security interests of the United States.

15 (2) The Secretary of Defense, in consultation with  
16 the Secretary of State and the intelligence community,  
17 shall periodically inform the Secretary of Commerce as to  
18 the countries known or suspected to have an offensive bio-  
19 logical weapons program.

20 (3) In order to facilitate the review of an application  
21 for an export license by appropriate elements of the intel-  
22 ligence committee under paragraph (1), the Secretary of  
23 Defense shall submit a copy of the application to such ap-  
24 propriate elements.

1       (4) The Secretary of Defense shall carry out the re-  
2 view of an application under this subsection not later than  
3 30 days after the date on which the Secretary of Com-  
4 merce forwards a copy of the application to the Secretary  
5 of Defense for review.

6       (5) Upon completion of the review of an application  
7 for an export license under this subsection, the Secretary  
8 of Defense shall notify the Secretary of Commerce if the  
9 export of a biological pathogen pursuant to the license  
10 would be contrary to the national security interests of the  
11 United States.

12       (6) Notwithstanding any other provision of law, upon  
13 receipt of a notification with respect to an application for  
14 an export license under paragraph (5), the Secretary of  
15 Commerce shall deny the application.

16       (7) In this subsection:

17           (A) The term “class 2, class 3, or class 4 bio-  
18 logical pathogen” means any biological pathogen  
19 characterized as a class 2, class 3, or class 4 biologi-  
20 cal pathogen by the Centers for Disease Control.

21           (B) The term “intelligence community” has the  
22 meaning given such term in section 3(4) of the Na-  
23 tional Security Act of 1947 (50 U.S.C. 401a(4)).

1 **SEC. 1053. DEFENSE EXPORT LOAN GUARANTEES.**

2 (a) ESTABLISHMENT OF PROGRAM.—(1) Chapter  
3 148 of title 10, United States Code, is amended by adding  
4 at the end the following new subchapter:

5 “SUBCHAPTER VI—DEFENSE EXPORT LOAN  
6 GUARANTEES

“Sec.

“2540. Establishment of loan guarantee program.

“2540a. Transferability.

“2540b. Limitations.

“2540c. Fees charged and collected.

“2540d. Definitions.

7 **“§ 2540. Establishment of loan guarantee program**

8 “(a) ESTABLISHMENT.—In order to meet the na-  
9 tional security objectives in section 2501(a) of this title,  
10 the Secretary of Defense shall establish a program under  
11 which the Secretary may issue guarantees assuring a lend-  
12 er against losses of principal or interest, or both principal  
13 and interest, arising out of the financing of the sale or  
14 long-term lease of defense articles, defense services, or de-  
15 sign and construction services to a country referred to in  
16 subsection (b).

17 “(b) COVERED COUNTRIES.—The authority under  
18 subsection (a) applies with respect to the following coun-  
19 tries:

20 “(1) A member nation of the North Atlantic  
21 Treaty Organization (NATO).

1           “(2) A country designated as of March 31,  
2           1995, as a major non-NATO ally pursuant to sec-  
3           tion 2350a(i)(3) of this title.

4           “(3) A country in Central Europe that, as de-  
5           termined by the Secretary of State—

6                   “(A) has changed its form of national gov-  
7                   ernment from a nondemocratic form of govern-  
8                   ment to a democratic form of government since  
9                   October 1, 1989; or

10                   “(B) is in the processing of changing its  
11                   form of national government from a  
12                   nondemocratic form of government to a demo-  
13                   cratic form of government.

14           “(4) A noncommunist country that was a mem-  
15           ber nation of the Asia Pacific Economic Cooperation  
16           (APEC) as of October 31, 1993.

17           “(c) AUTHORITY SUBJECT TO PROVISIONS OF AP-  
18           PROPRIATIONS.—The Secretary may guarantee a loan  
19           under this subchapter only as provided in appropriations  
20           Acts.

21           **“§ 2540a. Transferability**

22           “A guarantee issued under this subchapter shall be  
23           fully and freely transferable.

1 **“§ 2540b. Limitations**

2       “(a) TERMS AND CONDITIONS OF LOAN GUARAN-  
3 TEES.—In issuing a guarantee under this subchapter for  
4 a medium-term or long-term loan, the Secretary may not  
5 offer terms and conditions more beneficial than those that  
6 would be provided to the recipient by the Export-Import  
7 Bank of the United States under similar circumstances  
8 in conjunction with the provision of guarantees for  
9 nondefense articles and services.

10       “(b) LOSSES ARISING FROM FRAUD OR MISREPRE-  
11 SENTATION.—No payment may be made under a guaran-  
12 tee issued under this subchapter for a loss arising out of  
13 fraud or misrepresentation for which the party seeking  
14 payment is responsible.

15       “(c) NO RIGHT OF ACCELERATION.—The Secretary  
16 of Defense may not accelerate any guaranteed loan or in-  
17 crement, and may not pay any amount, in respect of a  
18 guarantee issued under this subchapter, other than in ac-  
19 cordance with the original payment terms of the loan.

20 **“§ 2540c. Fees charged and collected**

21       “(a) IN GENERAL.—The Secretary of Defense shall  
22 charge a fee (known as ‘exposure fee’) for each guarantee  
23 issued under this subchapter.

24       “(b) AMOUNT.—To the extent that the cost of the  
25 loan guarantees under this subchapter is not otherwise  
26 provided for in appropriations Acts, the fee imposed under

1 this section with respect to a loan guarantee shall be fixed  
 2 in an amount determined by the Secretary to be sufficient  
 3 to meet potential liabilities of the United States under the  
 4 loan guarantee.

5 “(c) PAYMENT TERMS.—The fee for each guarantee  
 6 shall become due as the guarantee is issued. In the case  
 7 of a guarantee for a loan which is disbursed incrementally,  
 8 and for which the guarantee is correspondingly issued in-  
 9 crementally as portions of the loan are disbursed, the fee  
 10 shall be paid incrementally in proportion to the amount  
 11 of the guarantee that is issued.

12 **“§ 2540d. Definitions**

13 “In this subchapter:

14 “(1) The terms ‘defense article’, ‘defense serv-  
 15 ices’, and ‘design and construction services’ have the  
 16 meanings given those terms in section 47 of the  
 17 Arms Export Control Act (22 U.S.C. 2794).

18 “(2) The term ‘cost’, with respect to a loan  
 19 guarantee, has the meaning given that term in sec-  
 20 tion 502 of the Congressional Budget and Impound-  
 21 ment Control Act of 1974 (2 U.S.C. 661a).”.

22 (2) The table of subchapters at the beginning of such  
 23 chapter is amended by adding at the end the following  
 24 new item:

“VI. Defense Export Loan Guarantees ..... 2540”.

1 (b) REPORT.—(1) Not later than two years after the  
2 date of the enactment of this Act, the President shall sub-  
3 mit to Congress a report on the loan guarantee program  
4 established pursuant to section 2540 of title 10, United  
5 States Code, as added by subsection (a).

6 (2) The report shall include—

7 (A) an analysis of the costs and benefits of the  
8 loan guarantee program; and

9 (B) any recommendations for modification of  
10 the program that the President considers appro-  
11 priate, including—

12 (i) any recommended addition to the list of  
13 countries for which a guarantee may be issued  
14 under the program; and

15 (ii) any proposed legislation necessary to  
16 authorize a recommended modification.

17 **SEC. 1054. LANDMINE CLEARING ASSISTANCE PROGRAM.**

18 (a) REVISION OF AUTHORITY.—Section 1413 of the  
19 National Defense Authorization Act for Fiscal Year 1995  
20 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401  
21 note) is amended by adding at the end the following:

22 “(f) SPECIAL REQUIREMENTS FOR FISCAL YEAR  
23 1996.—Funds available for fiscal year 1996 for the pro-  
24 gram under subsection (a) may not be obligated for in-  
25 volvement of members of the Armed Forces in an activity

1 under the program until the date that is 30 days after  
2 the date on which the Secretary of Defense certifies to  
3 Congress, in writing, that the involvement of such person-  
4 nel in the activity satisfies military training requirements  
5 for such personnel.

6 “(g) TERMINATION OF AUTHORITY.—The Secretary  
7 of Defense may not provide assistance under subsection  
8 (a) after September 30, 1996.”.

9 (b) REVISION OF DEFINITION OF LANDMINE.—Sec-  
10 tion 1423(d)(3) of the National Defense Authorization Act  
11 for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
12 1831) is amended by striking out “by remote control or”.

13 (c) FISCAL YEAR 1996 FUNDING.—Of the amount  
14 authorized to be appropriated by section 301 for Overseas  
15 Humanitarian, Disaster, and Civic Aid (OHDACA) pro-  
16 grams of the Department of Defense, not more than  
17 \$20,000,000 shall be available for the program of assist-  
18 ance under section 1413 of the National Defense Author-  
19 ization Act for Fiscal Year 1995 (Public Law 103–337;  
20 108 Stat. 2913; 10 U.S.C. 401 note).

21 **SEC. 1055. STRATEGIC COOPERATION BETWEEN THE**  
22 **UNITED STATES AND ISRAEL.**

23 (a) FINDINGS.—Congress makes the following find-  
24 ings:

1           (1) The President and Congress have repeat-  
2           edly declared the long-standing United States com-  
3           mitment to maintaining the qualitative superiority of  
4           the Israel Defense Forces over any combination of  
5           potential adversaries.

6           (2) Congress continues to recognize the many  
7           benefits to the United States from its strategic rela-  
8           tionship with Israel, including that of enhanced re-  
9           gional stability and technical cooperation.

10          (3) Despite the historic peace effort in which  
11          Israel and its neighbors are engaged, Israel contin-  
12          ues to face severe potential threats to its national se-  
13          curity that are compounded by terrorism and by the  
14          proliferation of weapons of mass destruction and  
15          ballistic missiles.

16          (4) Congress supports enhanced United States  
17          cooperation with Israel in all fields and, especially,  
18          in finding new ways to deter or counter mutual  
19          threats.

20          (b) SENSE OF CONGRESS.—It is the sense of Con-  
21          gress that—

22                (1) the President should ensure that any con-  
23                ventional defense system or technology offered by  
24                the United States for sale to any member nation of  
25                the North Atlantic Treaty Organization (NATO) or

1 to any major non-NATO ally is concurrently made  
2 available for purchase by Israel unless the President  
3 determines that it would not be in the national secu-  
4 rity interests of the United States to do so; and

5 (2) the President should make available to Is-  
6 rael, within existing technology transfer laws, regula-  
7 tions, and policies, advanced United States tech-  
8 nology necessary for achieving continued progress in  
9 cooperative United States-Israel research and devel-  
10 opment of theater missile defenses.

11 **SEC. 1056. SUPPORT SERVICES FOR THE NAVY AT THE**  
12 **PORT OF HAIFA, ISRAEL.**

13 It is the sense of Congress that the Secretary of the  
14 Navy should promptly undertake such actions as are nec-  
15 essary—

16 (1) to improve the services available to the  
17 Navy at the Port of Haifa, Israel; and

18 (2) to ensure that the continuing increase in  
19 commercial activities at the Port of Haifa does not  
20 adversely affect the availability to the Navy of the  
21 services required by the Navy at the port.

1 **SEC. 1057. PROHIBITION ON ASSISTANCE TO TERRORIST**  
2 **COUNTRIES.**

3 (a) PROHIBITION.—Subchapter I of chapter 134 of  
4 title 10, United States Code, is amended by adding at the  
5 end the following:

6 **“§ 2249a. Prohibition on assistance to terrorist coun-**  
7 **tries**

8 “(a) PROHIBITION.—Funds available to the Depart-  
9 ment of Defense may not be obligated or expended to pro-  
10 vide financial assistance to—

11 “(1) any country with respect to which the Sec-  
12 retary of State has made a determination under sec-  
13 tion 6(j)(1)(A) of the Export Administration Act of  
14 1979 (50 App. 2405(j));

15 “(2) any country identified in the latest report  
16 submitted to Congress under section 140 of the For-  
17 eign Relations Authorization Act, Fiscal Years 1988  
18 and 1989 (22 U.S.C. 2656f), as providing signifi-  
19 cant support for international terrorism; or

20 “(3) any other country that, as determined by  
21 the President—

22 “(A) grants sanctuary from prosecution to  
23 any individual or group that has committed an  
24 act of international terrorism; or

25 “(B) otherwise supports international ter-  
26 rorism.

1       “(b) WAIVER.—(1) The President may waive the ap-  
2 plication of subsection (a) to a country if the President  
3 determines that it is in the national security interests of  
4 the United States to do so or that the waiver should be  
5 granted for humanitarian reasons.

6       “(2) The President shall—

7           “(A) notify the Committees on Armed Services  
8 and Foreign Relations of the Senate and the Com-  
9 mittees on National Security and on International  
10 Relations of the House of Representatives at least  
11 15 days before the waiver takes effect; and

12           “(B) publish a notice of the waiver in the Fed-  
13 eral Register.

14       “(c) DEFINITION.—In this section, the term ‘inter-  
15 national terrorism’ has the meaning given that term in  
16 section 140(d) of the Foreign Relations Authorization Act,  
17 Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).”.

18       (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of subchapter I of such chapter is amend-  
20 ed by adding at the end the following:

“2249a. Prohibition on assistance to terrorist countries.”.

21 **SEC. 1058. INTERNATIONAL MILITARY EDUCATION AND**  
22 **TRAINING.**

23       (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that—

1           (1) it is in the national security interest of the  
2 United States to promote military professionalism  
3 (including an understanding of and respect for the  
4 proper role of the military in a civilian-led demo-  
5 cratic society), the effective management of defense  
6 resources, the recognition of internationally recog-  
7 nized human rights, and an effective military justice  
8 system within the armed forces of allies of the Unit-  
9 ed States and of countries friendly to the United  
10 States;

11           (2) it is in the national security interest of the  
12 United States to foster rapport, understanding, and  
13 cooperation between the Armed Forces of the United  
14 States and the armed forces of allies of the United  
15 States and of countries friendly to the United  
16 States;

17           (3) the international military education and  
18 training program is a low-cost method of promoting  
19 military professionalism within the armed forces of  
20 allies of the United States and of countries friendly  
21 to the United States and fostering better relations  
22 between the Armed Forces of the United States and  
23 those armed forces;

24           (4) the dissolution of the Soviet Union and the  
25 Warsaw Pact alliance and the spread of democracy

1 in the Western Hemisphere have created an oppor-  
2 tunity to promote the military professionalism of the  
3 armed forces of the affected nations;

4 (5) funding for the international military edu-  
5 cation and training program of the United States  
6 has decreased dramatically in recent years;

7 (6) the decrease in funding for the international  
8 military education and training program has re-  
9 sulted in a major decrease in the participation of  
10 personnel from Asia, Latin America, and Africa in  
11 the program;

12 (7) the Chairman of the Joint Chiefs of Staff  
13 and the commanders in chief of the regional combat-  
14 ant commands have consistently testified before con-  
15 gressional committees that the international military  
16 education and training program fosters cooperation  
17 with and improves military management, civilian  
18 control over the military forces, and respect for  
19 human rights within foreign military forces; and

20 (8) the delegation by the President to the Sec-  
21 retary of Defense of authority to perform functions  
22 relating to the international military education and  
23 training program is appropriate and should be con-  
24 tinued.

1 (b) ACTIVITIES AUTHORIZED.—(1) Part I of subtitle  
2 A of title 10, United States Code, is amended by adding  
3 at the end the following:

4 **“CHAPTER 23—CONTACTS UNDER PRO-**  
5 **GRAMS IN SUPPORT OF FOREIGN**  
6 **MILITARY FORCES**

“Sec.

“461. Military-to-military contacts and comparable activities.

“462. International military education and training.

7 **“§ 462. International military education and training**

8 “(a) PROGRAM AUTHORITY.—Subject to the provi-  
9 sions of chapter 5 of part II of the Foreign Assistance  
10 Act of 1961 (22 U.S.C. 2347 et seq.), the Secretary of  
11 Defense, upon the recommendation of a commander of a  
12 combatant command, or, with respect to a geographic area  
13 or areas not within the area of responsibility of a com-  
14 mander of a combatant command, upon the recommenda-  
15 tion of the Chairman of the Joint Chiefs of Staff, may  
16 pay a portion of the costs of providing international mili-  
17 tary education and training to military personnel of for-  
18 eign countries and to civilian personnel of foreign coun-  
19 tries who perform national defense functions.

20 “(b) RELATIONSHIP TO OTHER FUNDING.—Any  
21 amount provided pursuant to subsection (a) shall be in  
22 addition to amounts otherwise available for international  
23 military education and training for that fiscal year.”.

1       (2) Section 168 of title 10, United States Code, is  
2 redesignated as section 461, is transferred to chapter 23  
3 (as added by paragraph (1)), and is inserted after the  
4 table of sections at the beginning of such chapter.

5       (3)(A) The tables of chapters at the beginning of sub-  
6 title A of such title and the beginning of part I of such  
7 subtitle are amended by inserting after the item relating  
8 to chapter 22 the following:

“23. Contacts Under Programs in Support of Foreign Military Forces 461”.

9       (B) The table of sections at the beginning of chapter  
10 6 of title 10, United States Code, is amended by striking  
11 out the item relating to section 168.

12       (c) FISCAL YEAR 1996 FUNDING.—Of the amount  
13 authorized to be appropriated under section 301(5),  
14 \$20,000,000 shall be available to the Secretary of Defense  
15 for the purposes of carrying out activities under section  
16 462 of title 10, United States Code, as added by sub-  
17 section (b).

18       (d) RELATIONSHIP TO AUTHORITY OF SECRETARY  
19 OF STATE.—Nothing in this section or section 462 of title  
20 10, United States Code (as added by subsection (b)(1)),  
21 shall impair the authority or ability of the Secretary of  
22 State to coordinate policy regarding international military  
23 education and training programs.

1 **SEC. 1059. REPEAL OF LIMITATION REGARDING AMERICAN**  
2 **DIPLOMATIC FACILITIES IN GERMANY.**

3 Section 1432 of the National Defense Authorization  
4 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
5 1833) is repealed.

6 **SEC. 1060. IMPLEMENTATION OF ARMS CONTROL AGREE-**  
7 **MENTS.**

8 (a) FUNDING.—Of the amounts authorized to be ap-  
9 propriated under sections 102, 103, 104, 201, and 301,  
10 \$228,900,000 shall be available for implementing arms  
11 control agreements to which the United States is a party.

12 (b) LIMITATION.—(1) Except as provided in para-  
13 graph (2), none of the funds authorized to be appropriated  
14 under subsection (a) for the costs of implementing an  
15 arms control agreement may be used to reimburse ex-  
16 penses incurred by any other party to the agreement for  
17 which, without regard to any executive agreement or any  
18 policy not part of an arms control agreement—

19 (A) the other party is responsible under the  
20 terms of the arms control agreement; and

21 (B) the United States has no responsibility  
22 under the agreement.

23 (2) The limitation in paragraph (1) does not apply  
24 to a use of funds to fulfill a policy of the United States  
25 to reimburse expenses incurred by another party to an  
26 arms control agreement if—

1 (A) the policy does not modify any obligation  
2 imposed by the arms control agreement;

3 (B) the President—

4 (i) issued or approved the policy before the  
5 date of the enactment of this Act; or

6 (ii) has entered into an agreement on the  
7 policy with the government of another country  
8 or has approved an agreement on the policy en-  
9 tered into by an official of the United States  
10 and the government of another country; and

11 (C) the President has notified the congressional  
12 defense committees, the Committee on Foreign Rela-  
13 tions of the Senate, and the Committee on Inter-  
14 national Relations of the House of Representatives  
15 of the policy or the policy agreement (as the case  
16 may be), in writing, at least 30 days before the date  
17 on which the President issued or approved the policy  
18 or has entered into or approved the policy agree-  
19 ment.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “arms control agreement” means  
22 an arms control treaty or other form of international  
23 arms control agreement.

24 (2) The term “executive agreement” is an inter-  
25 national agreement entered into by the President

1 that is not authorized by statute or approved by the  
2 Senate under Article II, section 2, clause 2 of the  
3 Constitution.

4 **SEC. 1061. SENSE OF CONGRESS ON LIMITING THE PLAC-**  
5 **ING OF UNITED STATES FORCES UNDER**  
6 **UNITED NATIONS COMMAND OR CONTROL.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the President has made United Nations  
9 peace operations a major component of the foreign  
10 and security policies of the United States;

11 (2) the President has committed United States  
12 military personnel under United Nations operational  
13 control to missions in Haiti, Croatia, and Macedonia  
14 that could endanger those personnel;

15 (3) the President has committed the United  
16 States to deploy as many as 25,000 military person-  
17 nel to Bosnia-Herzegovina as peacekeepers under  
18 United Nations command and control in the event  
19 that the parties to that conflict reach a peace agree-  
20 ment;

21 (4) although the President has insisted that he  
22 will retain command of United States forces at all  
23 times, in the past this has meant administrative con-  
24 trol of United States forces only, while operational

1 control has been ceded to United Nations command-  
2 ers, some of whom were foreign nationals;

3 (5) the experience of United States forces par-  
4 ticipating in combined United States-United Nations  
5 operations in Somalia, and in combined United Na-  
6 tions-NATO operations in the former Yugoslavia,  
7 demonstrate that prerequisites for effective military  
8 operations such as unity of command and clarity of  
9 mission have not been met by United Nations com-  
10 mand and control arrangements; and

11 (6) despite the many deficiencies in the conduct  
12 of United Nations peace operations, there may be  
13 occasions when it is in the national security interests  
14 of the United States to participate in such oper-  
15 ations.

16 (b) POLICY.—It is the sense of Congress that—

17 (1) the President should consult closely with  
18 Congress regarding any United Nations peace oper-  
19 ation that could involve United States combat forces,  
20 and that such consultations should continue  
21 throughout the duration of such activities;

22 (2) the President should consult with Congress  
23 prior to a vote within the United Nations Security  
24 Council on any resolution which would authorize, ex-  
25 tend, or revise the mandates for such activities;

1           (3) in view of the complexity of United Nations  
2 peace operations and the difficulty of achieving unity  
3 of command and expeditious decisionmaking, the  
4 United States should participate in such operations  
5 only when it is clearly in the national security inter-  
6 est to do so;

7           (4) United States combat forces should be  
8 under the operational control of qualified command-  
9 ers and should have clear and effective command  
10 and control arrangements and rules of engagement  
11 (which do not restrict their self-defense in any way)  
12 and clear and unambiguous mission statements; and

13           (5) none of the Armed Forces of the United  
14 States should be under the operational control of  
15 foreign nationals in United Nations peace enforce-  
16 ment operations except in the most extraordinary  
17 circumstances.

18 (c) DEFINITIONS.—For purposes of this section—

19           (1) the term “United Nations peace enforce-  
20 ment operations” means any international peace en-  
21 forcement or similar activity that is authorized by  
22 the United Nations Security Council under chapter  
23 VII of the Charter of the United Nations; and

24           (2) the term “United Nations peace operations”  
25 means any international peacekeeping, peacemaking,

1 peace enforcement, or similar activity that is author-  
2 ized by the United Nations Security Council under  
3 chapter VI or VII of the Charter of the United Na-  
4 tions.

5 **SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED**  
6 **STATES FROM BALLISTIC MISSILE ATTACK.**

7 (a) FINDINGS.—The Senate makes the following  
8 findings:

9 (1) The proliferation of weapons of mass de-  
10 struction and ballistic missiles presents a threat to  
11 the entire World.

12 (2) This threat was recognized by Secretary of  
13 Defense William J. Perry in February 1995 in the  
14 Annual Report to the President and the Congress  
15 which states that “[b]eyond the five declared nuclear  
16 weapons states, at least 20 other nations have ac-  
17 quired or are attempting to acquire weapons of mass  
18 destruction—nuclear, biological, or chemical weap-  
19 ons—and the means to deliver them. In fact, in  
20 most areas where United States forces could poten-  
21 tially be engaged on a large scale, many of the most  
22 likely adversaries already possess chemical and bio-  
23 logical weapons. Moreover, some of these same  
24 states appear determined to acquire nuclear weap-  
25 ons.”.

1           (3) At a summit in Moscow in May 1995,  
2           President Clinton and President Yeltsin commented  
3           on this threat in a Joint Statement which recognizes  
4           “ . . . the threat posed by worldwide proliferation  
5           of missiles and missile technology and the necessity  
6           of counteracting this threat . . . ”.

7           (4) At least 25 countries may be developing  
8           weapons of mass destruction and the delivery sys-  
9           tems for such weapons.

10          (5) At least 24 countries have chemical weap-  
11          ons programs in various stages of research and de-  
12          velopment.

13          (6) Approximately 10 countries are believed to  
14          have biological weapons programs in various stages  
15          of development.

16          (7) At least 10 countries are reportedly inter-  
17          ested in the development of nuclear weapons.

18          (8) Several countries recognize that weapons of  
19          mass destruction and missiles increase their ability  
20          to deter, coerce, or otherwise threaten the United  
21          States. Saddam Hussein recognized this when he  
22          stated, on May 8, 1990, that “[o]ur missiles cannot  
23          reach Washington. If they could reach Washington,  
24          we would strike it if the need arose.”.

1           (9) International regimes like the Non-Pro-  
2           liferation Treaty, the Biological Weapons Conven-  
3           tion, and the Missile Technology Control Regime,  
4           while effective, cannot by themselves halt the spread  
5           of weapons and technology. On January 10, 1995,  
6           Director of Central Intelligence, James Woolsey,  
7           said with regard to Russia that “. . . we are par-  
8           ticularly concerned with the safety of nuclear, chemi-  
9           cal, and biological materials as well as highly en-  
10          riched uranium or plutonium, although I want to  
11          stress that this is a global problem. For example,  
12          highly enriched uranium was recently stolen from  
13          South Africa, and last month Czech authorities re-  
14          covered three kilograms of 87.8 percent-enriched  
15          HEU in the Czech Republic—the largest seizure of  
16          near-weapons grade material to date outside the  
17          Former Soviet Union.”.

18          (10) The possession of weapons of mass de-  
19          struction and missiles by developing countries  
20          threatens our friends, allies, and forces abroad and  
21          will ultimately threaten the United States directly.  
22          On August 11, 1994, Deputy Secretary of Defense  
23          John Deutch said that “[i]f the North Koreans field  
24          the Taepo Dong 2 missile, Guam, Alaska, and parts  
25          of Hawaii would potentially be at risk.”.

1           (11) The end of the Cold War has changed the  
2           strategic environment facing and between the United  
3           States and Russia. That the Clinton Administration  
4           believes the environment to have changed was made  
5           clear by Secretary of Defense William J. Perry on  
6           September 20, 1994, when he stated that “[w]e now  
7           have the opportunity to create a new relationship,  
8           based not on MAD, not on Mutual Assured Destruc-  
9           tion, but rather on another acronym, MAS, or Mu-  
10          tual Assured Safety.”.

11          (12) The United States and Russia have the  
12          opportunity to create a relationship based on trust  
13          rather than fear.

14          (b) SENSE OF SENATE.—It is the sense of the Senate  
15          that all Americans should be protected from accidental,  
16          intentional, or limited ballistic missile attack. It is the fur-  
17          ther sense of the Senate that front-line troops of the Unit-  
18          ed States Armed Forces should be protected from missile  
19          attacks.

20          (c) FUNDING FOR CORPS SAM AND BOOST-PHASE  
21          INTERCEPTOR PROGRAMS.—

22                 (1) Notwithstanding any other provision in this  
23                 Act, of the funds authorized to be appropriated by  
24                 section 201(4), \$35,000,000 shall be available for  
25                 the Corps SAM/MEADS program.

1           (2) With a portion of the funds authorized in  
2 paragraph (1) for the Corps SAM/MEADS program,  
3 the Secretary of Defense shall conduct a study to  
4 determine whether a Theater Missile Defense system  
5 derived from Patriot technologies could fulfill the  
6 Corps SAM/MEADS requirements at a lower esti-  
7 mated life-cycle cost than is estimated for the cost  
8 of the United States portion of the Corps SAM/  
9 MEADS program.

10           (3) The Secretary shall provide a report on the  
11 study required under paragraph (2) to the congres-  
12 sional defense committees not later than March 1,  
13 1996.

14           (4) Of the funds authorized to be appropriated  
15 by section 201(4), not more than \$3,403,413,000  
16 shall be available for missile defense programs with-  
17 in the Ballistic Missile Defense Organization.

18           (d) OBLIGATION OF FUNDS.—Of the amounts re-  
19 ferred to in section (c)(1), \$10,000,000 may not be obli-  
20 gated until the report referred to in subsection (c)(2) is  
21 submitted to the congressional defense committees.

22 **SEC. 1063. IRAN AND IRAQ ARMS NONPROLIFERATION.**

23           (a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—  
24 Section 1604(a) of the Iran–Iraq Arms Non-Proliferation  
25 Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C.

1 1701 note) is amended by inserting “to acquire chemical,  
2 biological, or nuclear weapons or” before “to acquire”.

3 (b) SANCTIONS AGAINST TRANSFERS OF FOREIGN  
4 COUNTRIES.—Section 1605(a) of such Act is amended by  
5 inserting “to acquire chemical, biological, or nuclear weap-  
6 ons or” before “to acquire”.

7 (c) CLARIFICATION OF UNITED STATES ASSIST-  
8 ANCE.—Subparagraph (A) of section 1608(7) of such Act  
9 is amended to read as follows:

10 “(A) any assistance under the Foreign As-  
11 sistance Act of 1961 (22 U.S.C. 2151 et seq.),  
12 other than urgent humanitarian assistance or  
13 medicine;”.

14 **SEC. 1064. REPORTS ON ARMS EXPORT CONTROL AND MILI-**  
15 **TARY ASSISTANCE.**

16 (a) REPORTS BY SECRETARY OF STATE.—Not later  
17 than 180 days after the date of the enactment of this Act  
18 and every year thereafter until 1998, the Secretary of  
19 State shall submit to Congress a report setting forth—

20 (1) an organizational plan to include those  
21 firms on the Department of State licensing watch-  
22 lists that—

23 (A) engage in the exportation of potentially  
24 sensitive or dual-use technologies; and

1           (B) have been identified or tracked by  
2           similar systems maintained by the Department  
3           of Defense, Department of Commerce, or the  
4           United States Customs Service; and

5           (2) further measures to be taken to strengthen  
6           United States export-control mechanisms.

7           (b) REPORTS BY INSPECTOR GENERAL.—(1) Not  
8           later than 180 days after the date of the enactment of  
9           this Act and 1 year thereafter, the Inspector General of  
10          the Department of State and the Foreign Service shall  
11          submit to Congress a report on the evaluation by the In-  
12          spector General of the effectiveness of the watch-list  
13          screening process at the Department of State during the  
14          preceding year. The report shall be submitted in both a  
15          classified and unclassified version.

16          (2) Each report under paragraph (1) shall—

17                (A) set forth the number of licenses granted to  
18                parties on the watch-list;

19                (B) set forth the number of end-use checks per-  
20                formed by the Department;

21                (C) assess the screening process used by the  
22                Department in granting a license when an applicant  
23                is on a watch-list; and

1 (D) assess the extent to which the watch-list  
2 contains all relevant information and parties re-  
3 quired by statute or regulation.

4 (c) ANNUAL MILITARY ASSISTANCE REPORT.—The  
5 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)  
6 is amended by inserting after section 654 the following  
7 new section:

8 **“SEC. 655 ANNUAL MILITARY ASSISTANCE REPORT.**

9 “(a) IN GENERAL.—Not later than February 1 of  
10 1996 and 1997, the President shall transmit to Congress  
11 an annual report for the fiscal year ending the previous  
12 September 30, showing the aggregate dollar value and  
13 quantity of defense articles (including excess defense arti-  
14 cles) and defense services, and of military education and  
15 training, furnished by the United States to each foreign  
16 country and international organization, by category, speci-  
17 fying whether they were furnished by grant under chapter  
18 2 or chapter 5 of part II of this Act or by sale under  
19 chapter 2 of the Arms Control Export Control Act or au-  
20 thorized by commercial sale license under section 38 of  
21 that Act.

22 “(b) ADDITIONAL CONTENTS OF REPORTS.—Each  
23 report shall also include the total amount of military items  
24 of non-United States manufacture being imported into the  
25 United States. The report should contain the country of

1 origin, the type of item being imported, and the total  
2 amount of items.”.

3           **Subtitle G—Repeal of Certain**  
4           **Reporting Requirements**

5   **SEC. 1071. REPORTS REQUIRED BY TITLE 10, UNITED**  
6           **STATES CODE.**

7           (a) ANNUAL REPORT ON RELOCATION ASSISTANCE  
8 PROGRAMS.—Section 1056 of title 10, United States  
9 Code, is amended—

10                   (1) by striking out subsection (f); and

11                   (2) by redesignating subsection (g) as sub-  
12 section (f).

13           (b) NOTICE OF SALARY INCREASES FOR FOREIGN  
14 NATIONAL EMPLOYEES.—Section 1584 of such title is  
15 amended—

16                   (1) by striking out subsection (b); and

17                   (2) in subsection (a), by striking out “(a)  
18 WAIVER OF EMPLOYMENT RESTRICTIONS FOR CER-  
19 TAIN PERSONNEL.—”.

20           (c) NOTICE OF INVOLUNTARY REDUCTIONS OF CI-  
21 VILIAN POSITIONS.—Section 1597 of such title is amend-  
22 ed by striking out subsection (e).

23           (d) NOTIFICATION OF REQUIREMENT FOR AWARD OF  
24 CONTRACTS TO COMPLY WITH COOPERATIVE AGREE-  
25 MENTS.—Section 2350b(d) of such title is amended—

1 (1) by striking out paragraph (1);

2 (2) by redesignating paragraphs (2) and (3) as  
3 paragraphs (1) and (2), respectively; and

4 (3) in paragraph (1), as so redesignated, by  
5 striking out “shall also notify” and inserting in lieu  
6 thereof “shall notify”.

7 (e) NOTICE REGARDING CONTRACTS PERFORMED  
8 FOR PERIODS EXCEEDING 10 YEARS.—(1) Section 2352  
9 of such title is repealed.

10 (2) The table of sections at the beginning of chapter  
11 139 of such title is amended by striking out the item relat-  
12 ing to section 2352.

13 (f) ANNUAL REPORT ON BIOLOGICAL DEFENSE RE-  
14 SEARCH PROGRAM.—(1) Section 2370 of such title is re-  
15 pealed.

16 (2) The table of sections at the beginning of chapter  
17 139 of such title is amended by striking out the item relat-  
18 ing to section 2370.

19 (g) ANNUAL REPORT ON MILITARY BASE REUSE  
20 STUDIES AND PLANNING ASSISTANCE.—Section 2391 of  
21 such title is amended—

22 (1) by striking out subsection (c); and

23 (2) by redesignating subsections (d) and (e) as  
24 subsections (c) and (d), respectively.

1 (h) COMPILATION OF REPORTS FILED BY EMPLOY-  
2 EES OR FORMER EMPLOYEES OF DEFENSE CONTRAC-  
3 TORS.—Section 2397 of such title is amended—

4 (1) by striking out subsection (e); and

5 (2) by redesignating subsection (f) as sub-  
6 section (e).

7 (i) REPORT ON LOW-RATE PRODUCTION UNDER  
8 NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—  
9 Section 2400(c) of such title is amended—

10 (1) by striking out paragraph (2); and

11 (2) in paragraph (1)—

12 (A) by striking out “(1)”; and

13 (B) by redesignating clauses (A) and (B)  
14 as clauses (1) and (2), respectively.

15 (j) REPORT ON WAIVERS OF PROHIBITION ON EM-  
16 PLOYMENT OF FELONS.—Section 2408(a)(3) of such title  
17 is amended by striking out the second sentence.

18 (k) REPORT ON DETERMINATION NOT TO DEBAR  
19 FOR FRAUDULENT USE OF LABELS.—Section 2410f(a) of  
20 such title is amended by striking out the second sentence.

21 (l) ANNUAL REPORT ON WAIVERS OF PROHIBITION  
22 RELATING TO SECONDARY ARAB BOYCOTT.—Section  
23 2410i(c) of such title is amended by striking out the sec-  
24 ond sentence.

1 (m) REPORT ON ADJUSTMENT OF AMOUNTS DEFIN-  
2 ING MAJOR DEFENSE ACQUISITION PROGRAMS.—Section  
3 2430(b) of such title is amended by striking out the sec-  
4 ond sentence.

5 (n) BUDGET DOCUMENTS ON WEAPONS DEVELOP-  
6 MENT AND PROCUREMENT SCHEDULES.—(1) Section  
7 2431 of such title is repealed.

8 (2) The table of sections at the beginning of chapter  
9 144 of such title is amended by striking out the item relat-  
10 ing to section 2431.

11 (o) NOTICE OF WAIVER OF LIMITATION ON PER-  
12 FORMANCE OF DEPOT-LEVEL MAINTENANCE.—Section  
13 2466(c) of such title is amended by striking out “and noti-  
14 fies Congress regarding the reasons for the waiver”.

15 (p) ANNUAL REPORT ON INFORMATION ON FOREIGN-  
16 CONTROLLED CONTRACTORS.—Section 2537 of such title  
17 is amended—

18 (1) by striking out subsection (b); and

19 (2) by redesignating subsection (c) as sub-  
20 section (b).

21 (q) ANNUAL REPORT ON REAL PROPERTY TRANS-  
22 ACTIONS.—Section 2662 of such title is amended—

23 (1) by striking out subsection (b); and

1           (2) by redesignating subsections (c), (d), (e),  
2           and (f) as subsections (b), (c), (d), and (e), respec-  
3           tively.

4           (r) NOTIFICATIONS AND REPORTS ON ARCHITEC-  
5           TURAL AND ENGINEERING SERVICES AND CONSTRUCTION  
6           DESIGN.—Section 2807 of such title is amended—

7           (1) by striking out subsections (b) and (c); and

8           (2) by redesignating subsection (d) as sub-  
9           section (c).

10          (s) REPORT ON CONSTRUCTION PROJECTS FOR EN-  
11          VIRONMENTAL RESPONSE ACTIONS.—Section 2810 of  
12          such title is amended—

13           (1) in subsection (a), by striking out “Subject  
14           to subsection (b), the Secretary” and inserting in  
15           lieu thereof “The Secretary”;

16           (2) by striking out subsection (b); and

17           (3) by redesignating subsection (c) as sub-  
18           section (b).

19          (t) NOTICE OF MILITARY CONSTRUCTION CON-  
20          TRACTS ON GUAM.—Section 2864(b) of such title is  
21          amended by striking out “after the 21-day period” and  
22          all that follows through the period at the end and inserting  
23          in lieu thereof a period.

1 (u) ANNUAL REPORT ON ENERGY SAVINGS AT MILI-  
2 TARY INSTALLATIONS.—Section 2865 of such title is  
3 amended by striking out subsection (f).

4 **SEC. 1072. REPORTS REQUIRED BY TITLE 37, UNITED**  
5 **STATES CODE, AND RELATED PROVISIONS OF**  
6 **DEFENSE AUTHORIZATION ACTS.**

7 (a) ANNUAL REPORT ON TRAVEL AND TRANSPOR-  
8 TATION ALLOWANCES FOR DEPENDENTS.—Section 406  
9 of title 37, United States Code, is amended by striking  
10 out subsection (i).

11 (b) REPORT ON ANNUAL REVIEW OF PAY AND AL-  
12 LOWANCES.—Section 1008(a) of such title is amended by  
13 striking out the second sentence.

14 (c) REPORT ON QUADRENNIAL REVIEW OF ADJUST-  
15 MENTS IN COMPENSATION.—Section 1009(f) of such title  
16 is amended by striking out “of this title,” and all that  
17 follows through the period at the end and inserting in lieu  
18 thereof “of this title.”.

19 (d) PUBLIC LAW 101–189 REQUIREMENT FOR RE-  
20 PORT REGARDING SPECIAL PAY FOR ARMY, NAVY, AND  
21 AIR FORCE PSYCHOLOGISTS.—Section 704 of the Na-  
22 tional Defense Authorization Act for Fiscal Years 1990  
23 and 1991 (Public Law 101–189; 103 Stat. 1471; 37  
24 U.S.C. 302c note) is amended by striking out subsection  
25 (d).

1 (e) PUBLIC LAW 101-510 REQUIREMENT FOR RE-  
2 PORT REGARDING SPECIAL PAY FOR NURSE ANES-  
3 THETISTS.—Section 614 of the National Defense Author-  
4 ization Act for Fiscal Year 1991 (Public Law 101-510;  
5 104 Stat. 1577; 37 U.S.C. 302e note) is amended by strik-  
6 ing out subsection (c).

7 **SEC. 1073. REPORTS REQUIRED BY OTHER DEFENSE AU-**  
8 **THORIZATION AND APPROPRIATIONS ACTS.**

9 (a) PUBLIC LAW 98-94 REQUIREMENT FOR ANNUAL  
10 REPORT ON CHAMPUS AND USTF MEDICAL CARE.—  
11 Section 1252 of the Department of Defense Authorization  
12 Act, 1984 (Public Law 98-94; 42 U.S.C. 248d) is amend-  
13 ed by striking out subsection (d).

14 (b) PUBLIC LAW 99-661 REQUIREMENT FOR RE-  
15 PORT ON FUNDING FOR NICARAGUAN DEMOCRATIC RE-  
16 SISTANCE.—Section 1351 of the National Defense Au-  
17 thorization Act for Fiscal Year 1987 (Public Law 99-661;  
18 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

19 (1) by striking out subsection (b); and

20 (2) in subsection (a), by striking out “(a) LIM-  
21 TATION.—”.

22 (c) PUBLIC LAW 100-180 REQUIREMENT FOR SE-  
23 LECTED ACQUISITION REPORTS FOR ATB, ACM, AND  
24 ATA PROGRAMS.—Section 127 of the National Defense

1 Authorization Act for Fiscal Years 1988 and 1989 (10  
2 U.S.C. 2432 note) is repealed.

3 (d) PUBLIC LAW 101-189 REQUIREMENT FOR NOTI-  
4 FICATION OF CLOSURE OF MILITARY CHILD DEVELOP-  
5 MENT CENTERS.—Section 1505(f) of the National De-  
6 fense Authorization Act for Fiscal Years 1990 and 1991  
7 (Public Law 101-189; 103 Stat. 1594; 10 U.S.C. 113  
8 note) is amended by striking out paragraph (3).

9 (e) PUBLIC LAW 101-510 REQUIREMENT FOR AN-  
10 NUAL REPORT ON OVERSEAS MILITARY FACILITY IN-  
11 VESTMENT RECOVERY ACCOUNT.—Section 2921 of the  
12 Military Construction Authorization Act for Fiscal Year  
13 1991 (division B of Public Law 101-510; 10 U.S.C. 2687  
14 note) is amended—

15 (1) by striking out subsection (f); and

16 (2) by redesignating subsections (g) and (h) as  
17 subsections (f) and (g), respectively.

18 (f) PUBLIC LAW 102-190 REQUIREMENT FOR  
19 SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION  
20 MASTER PLAN.—Section 829 of the National Defense Au-  
21 thorization Act for Fiscal Years 1992 and 1993 (Public  
22 Law 102-190; 105 Stat. 1444; 10 U.S.C. 2192 note) is  
23 repealed.

24 (g) PUBLIC LAW 102-484 REQUIREMENT FOR RE-  
25 PORT RELATING TO USE OF CLASS I OZONE-DEPLETING

1 SUBSTANCES IN MILITARY PROCUREMENTS.—Section  
2 326(a) of the National Defense Authorization Act for Fis-  
3 cal Year 1993 (Public Law 102–484; 106 Stat. 2368; 10  
4 U.S.C. 301 note) is amended by striking out paragraphs  
5 (4) and (5).

6 (h) PUBLIC LAW 103–139 REQUIREMENT FOR RE-  
7 PORT REGARDING HEATING FACILITY MODERNIZATION  
8 AT KAISERSLAUTERN.—Section 8008 of the Department  
9 of Defense Appropriations Act, 1994 (Public Law 103–  
10 139; 107 Stat. 1438), is amended by inserting “but with-  
11 out regard to the notification requirement in subsection  
12 (b)(2) of such section,” after “section 2690 of title 10,  
13 United States Code,”.

14 **SEC. 1074. REPORTS REQUIRED BY OTHER NATIONAL SECUR-**  
15 **RITY LAWS.**

16 (a) ARMS EXPORT CONTROL ACT REQUIREMENT  
17 FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY  
18 ESTIMATES.—Section 28 of the Arms Export Control Act  
19 (22 U.S.C. 2768) is repealed.

20 (b) NATIONAL SECURITY AGENCY ACT OF 1959 RE-  
21 QUIREMENT FOR ANNUAL REPORT ON NSA EXECUTIVE  
22 PERSONNEL.—Section 12(a) of the National Security  
23 Agency Act of 1959 (50 U.S.C. 402 note) is amended by  
24 striking out paragraph (5).

1 (c) PUBLIC LAW 85-804 REQUIREMENT FOR RE-  
2 PORT ON OMISSION OF CONTRACT CLAUSE UNDER SPE-  
3 CIAL NATIONAL DEFENSE CONTRACTING AUTHORITY.—  
4 Section 3(b) of the Act of August 28, 1958 (50 U.S.C.  
5 1433(b)), is amended by striking out the matter following  
6 paragraph (2).

7 **SEC. 1075. REPORTS REQUIRED BY OTHER PROVISIONS OF**  
8 **THE UNITED STATES CODE.**

9 Section 1352(f) of title 31, United States Code, is  
10 amended—

11 (1) by inserting “(1)” after “(f)”;

12 (2) by striking out the second sentence; and

13 (3) by adding at the end the following:

14 “(2) Subsections (a)(6) and (d) do not apply to the  
15 Department of Defense.”.

16 **SEC. 1076. REPORTS REQUIRED BY OTHER PROVISIONS OF**  
17 **LAW.**

18 (a) PANAMA CANAL ACT OF 1979 REQUIREMENT  
19 FOR ANNUAL REPORT REGARDING UNITED STATES  
20 TREATY RIGHTS AND OBLIGATIONS.—Section 3301 of the  
21 Panama Canal Act of 1979 (22 U.S.C. 3871) is repealed.

22 (b) PUBLIC LAW 91-611 REQUIREMENT FOR AN-  
23 NUAL REPORT ON WATER RESOURCES PROJECT AGREE-  
24 MENTS.—Section 221 of the Flood Control Act of 1970  
25 (42 U.S.C. 1962d-5b) is amended—

1 (1) by striking out subsection (e); and

2 (2) by redesignating subsection (f) as sub-  
3 section (e).

4 (c) PUBLIC LAW 94-587 REQUIREMENT FOR AN-  
5 NUAL REPORT ON CONSTRUCTION OF TENNESSEE-  
6 TOMBIGBEE WATERWAY.—Section 185 of the Water Re-  
7 sources Development Act of 1976 (Public Law 94-587;  
8 33 U.S.C. 544c) is amended by striking out the second  
9 sentence.

10 (d) PUBLIC LAW 100-333 REQUIREMENT FOR AN-  
11 NUAL REPORT ON MONITORING OF NAVY HOME PORT  
12 WATERS.—Section 7 of the Organotin Antifouling Paint  
13 Control Act of 1988 (Public Law 100-333; 33 U.S.C.  
14 2406) is amended—

15 (1) by striking out subsection (d); and

16 (2) by redesignating subsections (e) and (f) as  
17 subsections (d) and (e), respectively.

18 **SEC. 1077. REPORTS REQUIRED BY JOINT COMMITTEE ON**

19 **PRINTING.**

20 Requirements for submission of the following reports  
21 imposed in the exercise of authority under section 103 of  
22 title 44, United States Code, do not apply to the Depart-  
23 ment of Defense:

24 (1) A notice of intent to apply new printing  
25 processes.

1           (2) A report on equipment acquisition or trans-  
2       fer.

3           (3) A printing plant report.

4           (4) A report on stored equipment.

5           (5) A report on jobs which exceed Joint Com-  
6       mittee on Printing duplicating limitations.

7           (6) A notice of intent to contract for printing  
8       services.

9           (7) Research and development plans.

10          (8) A report on commercial printing.

11          (9) A report on collator acquisition.

12          (10) An annual plant inventory.

13          (11) An annual map or chart plant report.

14          (12) A report on activation or moving a print-  
15       ing plant.

16          (13) An equipment installation notice.

17          (14) A report on excess equipment.

## 18           **Subtitle H—Other Matters**

### 19   **SEC. 1081. GLOBAL POSITIONING SYSTEM.**

20       The Secretary of Defense shall turn off the selective  
21   availability feature of the global positioning system by  
22   May 1, 1996, unless the Secretary submits to the Commit-  
23   tee on Armed Services of the Senate and the Committee  
24   on National Security of the House of Representatives a  
25   plan that—

1 (1) provides for development and acquisition  
2 of—

3 (A) effective capabilities to deny hostile  
4 military forces the ability to use the global posi-  
5 tioning system without hindering the ability of  
6 United States military forces and civil users to  
7 exploit the system; and

8 (B) global positioning system receivers and  
9 other techniques for weapons and weapon sys-  
10 tems that provide substantially improved resist-  
11 ance to jamming and other forms of electronic  
12 interference or disruption; and

13 (2) includes a specific date by which the Sec-  
14 retary of Defense intends to complete the acquisition  
15 of the capabilities described in paragraph (1).

16 **SEC. 1082. LIMITATION ON RETIREMENT OR DISMANTLE-**  
17 **MENT OF STRATEGIC NUCLEAR DELIVERY**  
18 **SYSTEMS.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that, unless and until the START II Treaty enters  
21 into force, the Secretary of Defense should not take any  
22 action to retire or dismantle, or to prepare to retire or  
23 dismantle, any of the following strategic nuclear delivery  
24 systems:

25 (1) B-52H bomber aircraft.

1 (2) Trident ballistic missile submarines.

2 (3) Minuteman III intercontinental ballistic  
3 missiles.

4 (4) Peacekeeper intercontinental ballistic mis-  
5 siles.

6 (b) LIMITATION ON USE OF FUNDS.—Funds avail-  
7 able to the Department of Defense may not be obligated  
8 or expended during fiscal year 1996 for retiring or dis-  
9 mantling, or for preparing to retire or dismantle, any of  
10 the strategic nuclear delivery systems specified in sub-  
11 section (a).

12 **SEC. 1083. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**  
13 **TIES PILOT PROGRAM.**

14 Section 1091(a) of the National Defense Authoriza-  
15 tion Act for Fiscal Year 1993 (Public Law 102-484; 32  
16 U.S.C. 501 note) is amended by striking out “through  
17 1995” and inserting in lieu thereof “through 1997”.

18 **SEC. 1084. REPORT ON DEPARTMENT OF DEFENSE BOARDS**  
19 **AND COMMISSIONS.**

20 (a) REPORT ON BOARDS AND COMMISSIONS RECEIV-  
21 ING DEPARTMENT SUPPORT.—Not later than April 1,  
22 1996, the Secretary of Defense shall submit to the Com-  
23 mittee on Armed Services of the Senate and the Commit-  
24 tee on National Security of the House of Representatives  
25 a report containing the following:

1           (1) A list of the boards and commissions de-  
2           scribed in subsection (b) that received support (in-  
3           cluding funds, equipment, materiel, or other assets,  
4           or personnel) from the Department of Defense in  
5           last full fiscal year preceding the date of the report.

6           (2) A list of the boards and commissions re-  
7           ferred to in paragraph (1) that are determined by  
8           the Secretary to merit continued support from the  
9           Department.

10          (3) A description, for each board and commis-  
11          sion listed under paragraph (2), of—

12                 (A) the purpose of the board or commis-  
13                 sion;

14                 (B) the nature and cost of the support pro-  
15                 vided by the Department to the board or com-  
16                 mission in the last full fiscal year preceding the  
17                 date of the report;

18                 (C) the nature and duration of the support  
19                 that the Secretary proposes to provide to the  
20                 board or commission;

21                 (D) the anticipated cost to the Department  
22                 of providing such support; and

23                 (E) a justification of the determination  
24                 that the board or commission merits the sup-  
25                 port of the Department.

1           (4) A list of the boards and commissions re-  
2           ferred to in paragraph (1) that are determined by  
3           the Secretary not to merit continued support from  
4           the Department.

5           (5) A description, for each board and commis-  
6           sion listed under paragraph (4), of—

7                   (A) the purpose of the board or commis-  
8                   sion;

9                   (B) the nature and cost of the support pro-  
10                  vided by the Department to the board or com-  
11                  mission in the last full fiscal year preceding the  
12                  date of the report; and

13                  (C) a justification of the determination  
14                  that the board or commission does not merit  
15                  the support of the Department.

16           (b) COVERED BOARDS.—Subsection (a)(1) applies to  
17           the boards and commissions, including boards and com-  
18           missions authorized by law, operating within or for the  
19           Department of Defense that—

20                   (1) provide only policy-making assistance or ad-  
21                   visory services for the Department; or

22                   (2) carry out activities that are not routine ac-  
23                   tivities, on-going activities, or activities necessary to  
24                   the routine, on-going operations of the Department.

1 **SEC. 1085. REVISION OF AUTHORITY FOR PROVIDING**  
2 **ARMY SUPPORT FOR THE NATIONAL SCIENCE**  
3 **CENTER FOR COMMUNICATIONS AND ELEC-**  
4 **TRONICS.**

5 (a) PURPOSE.—Subsection (b)(2) of section 1459 of  
6 the Department of Defense Authorization Act, 1986 (Pub-  
7 lic Law 99–145; 99 Stat. 763) is amended by striking out  
8 “to make available” and all that follows and inserting in  
9 lieu thereof “to provide for the management, operation,  
10 and maintenance of those areas in the national science  
11 center that are designated for use by the Army and to  
12 provide incidental support for the operation of general use  
13 areas of the center.”.

14 (b) AUTHORITY FOR SUPPORT.—Subsection (c) of  
15 such section is amended to read as follows:

16 “(c) NATIONAL SCIENCE CENTER.—(1) The Sec-  
17 retary may manage, operate, and maintain facilities at the  
18 center under terms and conditions prescribed by the Sec-  
19 retary for the purpose of conducting educational outreach  
20 programs in accordance with chapter 111 of title 10, Unit-  
21 ed States Code.

22 “(2) The Foundation, or NSC Discovery Center, In-  
23 corporated, shall submit to the Secretary for review and  
24 approval all matters pertaining to the acquisition, design,  
25 renovation, equipping, and furnishing of the center, in-

1 cluding all plans, specifications, contracts, sites, and mate-  
2 rials for the center.”.

3 (c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND  
4 FUNDRAISING.—Subsection (d) of such section is amend-  
5 ed to read as follows:

6 “(d) GIFTS AND FUNDRAISING.—(1) Subject to para-  
7 graph (3), the Secretary may accept a conditional dona-  
8 tion of money or property that is made for the benefit  
9 of, or in connection with, the center.

10 “(2) Notwithstanding any other provision of law, the  
11 Secretary may endorse, promote, and assist the efforts of  
12 the Foundation and NSC Discovery Center, Incorporated,  
13 to obtain—

14 “(A) funds for the management, operation, and  
15 maintenance of the center; and

16 “(B) donations of exhibits, equipment, and  
17 other property for use in the center.

18 “(3) The Secretary may not accept a donation under  
19 this subsection that is made subject to—

20 “(A) any condition that is inconsistent with an  
21 applicable law or regulation; or

22 “(B) except to the extent provided in appropria-  
23 tions Acts, any condition that would necessitate an  
24 expenditure of appropriated funds.

1       “(4) The Secretary shall prescribe in regulations the  
2 criteria to be used in determining whether to accept a do-  
3 nation. The Secretary shall include criteria to ensure that  
4 acceptance of a donation does not establish an unfavorable  
5 appearance regarding the fairness and objectivity with  
6 which the Secretary or any other officer or employee of  
7 the Department of Defense performs official responsibil-  
8 ities and does not compromise or appear to compromise  
9 the integrity of a Government program or any official in-  
10 volved in that program.”.

11       (d) AUTHORIZED USES.—Such section is amended—

12           (1) by striking out subsection (f);

13           (2) by redesignating subsection (g) as sub-  
14 section (f); and

15           (3) in subsection (f), as redesignated by para-  
16 graph (2), by inserting “areas designated for Army  
17 use in” after “The Secretary may make”.

18       (e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT  
19 AND MANAGEMENT.—Such section, as amended by sub-  
20 section (d), is further amended by adding at the end the  
21 following:

22       “(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT  
23 AND MANAGEMENT OF THE CENTER.—(1) The Secretary  
24 may enter into an agreement with NSC Discovery Center,  
25 Incorporated, a nonprofit corporation of the State of Geor-

1 gia, to develop, manage, and maintain a national science  
2 center under this section. In entering into an agreement  
3 with NSC Discovery Center, Incorporated, the Secretary  
4 may agree to any term or condition to which the Secretary  
5 is authorized under this section to agree for purposes of  
6 entering into an agreement with the Foundation.

7 “(2) The Secretary may exercise the authority under  
8 paragraph (1) in addition to, or instead of, exercising the  
9 authority provided under this section to enter into an  
10 agreement with the Foundation.”.

11 **SEC. 1086. AUTHORITY TO SUSPEND OR TERMINATE COL-**  
12 **LECTION ACTIONS AGAINST DECEASED MEM-**  
13 **BERS.**

14 Section 3711 of title 31, United States Code, is  
15 amended by adding at the end the following:

16 “(g)(1) The Secretary of Defense may suspend or ter-  
17 minate an action by the Department of Defense under this  
18 section to collect a claim against the estate of a person  
19 who died while serving on active duty as a member of the  
20 armed forces if the Secretary determines that, under the  
21 circumstances applicable with respect to the deceased per-  
22 son, it is appropriate to do so.

23 “(2) For purposes of this subsection, the terms  
24 ‘armed forces’ and ‘active duty’ have the meanings given  
25 such terms in section 101 of title 10.”.

1 **SEC. 1087. DAMAGE OR LOSS TO PERSONAL PROPERTY**  
2 **DUE TO EMERGENCY EVACUATION OR EX-**  
3 **TRAORDINARY CIRCUMSTANCES.**

4 (a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Sec-  
5 tion 3721(b)(1) of title 31, United States Code, is amend-  
6 ed by inserting after the first sentence the following: “If,  
7 however, the claim arose from an emergency evacuation  
8 or from extraordinary circumstances, the amount settled  
9 and paid under the authority of the preceding sentence  
10 may exceed \$40,000, but may not exceed \$100,000.”.

11 (b) RETROACTIVE EFFECTIVE DATE.—The amend-  
12 ment made by subsection (a) shall take effect as of June  
13 1, 1991, and shall apply with respect to claims arising on  
14 or after that date.

15 **SEC. 1088. CHECK CASHING AND EXCHANGE TRANS-**  
16 **ACTIONS FOR DEPENDENTS OF UNITED**  
17 **STATES GOVERNMENT PERSONNEL.**

18 (a) AUTHORITY TO CARRY OUT TRANSACTIONS.—  
19 Subsection (b) of section 3342 of title 31, United States  
20 Code, is amended—

21 (1) by redesignating paragraphs (3), (4), and  
22 (5) as paragraphs (4), (5), and (6), respectively; and

23 (2) by inserting after paragraph (2) the follow-  
24 ing new paragraph:

25 “(3) a dependent of personnel of the Govern-  
26 ment, but only—

1           “(A) at a United States installation at  
2           which adequate banking facilities are not avail-  
3           able; and

4           “(B) in the case of negotiation of nego-  
5           tiable instruments, if the dependent’s sponsor  
6           authorizes, in writing, the presentation of nego-  
7           tiable instruments to the disbursing official for  
8           negotiation.”.

9           (b) PAY OFFSET.—Subsection (c) of such section is  
10          amended—

11           (1) by redesignating paragraph (3) as para-  
12          graph (4); and

13           (2) by inserting after paragraph (2) the follow-  
14          ing new paragraph (3):

15          “(3) The amount of any deficiency resulting from  
16          cashing a check for a dependent under subsection (b)(3),  
17          including any charges assessed against the disbursing offi-  
18          cial by a financial institution for insufficient funds to pay  
19          the check, may be offset from the pay of the dependent’s  
20          sponsor.”.

21          (c) DEFINITIONS.—Such section is further amended  
22          by adding at the end the following:

23          “(e) The Secretary of Defense shall define in regula-  
24          tions the terms ‘dependent’ and ‘sponsor’ for the purposes  
25          of this section. In the regulations, the term ‘dependent’,

1 with respect to a member of a uniformed service, shall  
2 have the meaning given that term in section 401 of title  
3 37.”.

4 **SEC. 1089. TRAVEL OF DISABLED VETERANS ON MILITARY**  
5 **AIRCRAFT.**

6 (a) LIMITED ENTITLEMENT.—Chapter 157 of title  
7 10, United States Code, is amended by inserting after sec-  
8 tion 2641 the following new section:

9 **“§2641a. Travel of disabled veterans on military air-**  
10 **craft**

11 “(a) LIMITED ENTITLEMENT.—A veteran entitled  
12 under laws administered by the Secretary of Veterans Af-  
13 fairs to receive compensation for a service-connected dis-  
14 ability rated as total by the Secretary is entitled, in the  
15 same manner and to the same extent as retired members  
16 of the armed forces, to transportation (on a space-avail-  
17 able basis) on unscheduled military flights within the con-  
18 tinental United States and on scheduled overseas flights  
19 operated by the Military Airlift Command.

20 “(b) DEFINITIONS.—In this section, the terms ‘vet-  
21 eran’, ‘compensation’, and ‘service-connected’ have the  
22 meanings given such terms in section 101 of title 38.”.

23 (b) CLERICAL AMENDMENT.—The table of sections,  
24 at the beginning of such chapter, is amended by inserting

1 after the item relating to section 2641 the following new  
2 item:

“2641a. Travel of disabled veterans on military aircraft.”.

3 **SEC. 1090. TRANSPORTATION OF CRIPPLED CHILDREN IN**  
4 **PACIFIC RIM REGION TO HAWAII FOR MEDI-**  
5 **CAL CARE.**

6 (a) TRANSPORTATION AUTHORIZED.—Chapter 157  
7 of title 10, United States Code, is amended by adding at  
8 the end the following new section:

9 **“§2643. Transportation of crippled children in Pa-**  
10 **cific Rim region to Hawaii for medical**  
11 **care**

12 “(a) TRANSPORTATION AUTHORIZED.—Subject to  
13 subsection (c), the Secretary of Defense may provide per-  
14 sons eligible under subsection (b) with round trip trans-  
15 portation in an aircraft of the Department of Defense, on  
16 a space-available basis, between an airport in the Pacific  
17 Rim region and the State of Hawaii. No charge may be  
18 imposed for transportation provided under this section.

19 “(b) PERSONS COVERED.—Persons eligible to be pro-  
20 vided transportation under this section are as follows:

21 “(1) A child under 18 years of age who (A) re-  
22 sides in the Pacific Rim region, (B) is a crippled  
23 child in need of specialized medical care for the  
24 child’s condition as a crippled child, which may in-  
25 clude any associated or related condition, (C) upon

1 arrival in Hawaii, is to be admitted to receive such  
2 medical care, at no cost to the patient, at a medical  
3 facility in Honolulu, Hawaii, that specializes in pro-  
4 viding such medical care, and (D) is unable to afford  
5 the costs of transportation to Hawaii.

6 “(2) One adult attendant accompanying a child  
7 transported under this section.

8 “(c) CONDITIONS.—The Secretary may provide  
9 transportation under subsection (a) only if the Secretary  
10 determines that—

11 “(1) it is not inconsistent with the foreign pol-  
12 icy of the United States to do so;

13 “(2) the transportation is for humanitarian  
14 purposes;

15 “(3) the health of the child to be transported is  
16 sufficient for the child to endure safely the stress of  
17 travel for the necessary distance in the Department  
18 of Defense aircraft involved;

19 “(4) all authorizations, permits, and other doc-  
20 uments necessary for admission of the child at the  
21 medical treatment facility referred to in subsection  
22 (b)(1)(C) are in order;

23 “(5) all necessary passports and visas necessary  
24 for departure from the residences of the persons to  
25 be transported and from the airport of departure,

1 for entry into the United States, for reentry into the  
2 country of departure, and for return to the persons'  
3 residences are in proper order; and

4 “(6) arrangements have been made to ensure  
5 that—

6 “(A) the persons to be transported will  
7 board the aircraft on the schedule established  
8 by the Secretary; and

9 “(B) the persons—

10 “(i) will be met and escorted to the  
11 medical treatment facility by appropriate  
12 personnel of the facility upon the arrival of  
13 the aircraft in Hawaii; and

14 “(ii) will be returned to the airport in  
15 Hawaii for transportation (on the schedule  
16 established by the Secretary) back to the  
17 country of departure.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by adding  
20 at the end the following new item:

“2643. Transportation of crippled children in Pacific Rim region to Hawaii for  
medical care.”.

21 **SEC. 1091. STUDENT INFORMATION FOR RECRUITING PUR-**  
22 **POSES.**

23 (a) SENSE OF SENATE.—It is the sense of the Senate  
24 that—

1           (1) educational institutions, including secondary  
2 schools, should not have a policy of denying, or oth-  
3 erwise effectively preventing, the Secretary of De-  
4 fense from obtaining for military recruiting pur-  
5 poses—

6                   (A) entry to any campus or access to stu-  
7 dents on any campus equal to that of other em-  
8 ployers; or

9                   (B) access to directory information per-  
10 taining to students (other than in a case in  
11 which an objection has been raised as described  
12 in paragraph (2));

13           (2) an educational institution that releases di-  
14 rectory information should—

15                   (A) give public notice of the categories of  
16 such information to be released; and

17                   (B) allow a reasonable period after such  
18 notice has been given for a student or (in the  
19 case of an individual younger than 18 years of  
20 age) a parent to inform the institution that any  
21 or all of such information should not be re-  
22 leased without obtaining prior consent from the  
23 student or the parent, as the case may be; and

24           (3) the Secretary of Defense should prescribe  
25 regulations that contain procedures for determining

1 if and when an educational institution has denied or  
2 prevented access to students or information as de-  
3 scribed in paragraph (1).

4 (b) DEFINITIONS.—In this section:

5 (1) The term “directory information” means,  
6 with respect to a student, the student’s name, ad-  
7 dress, telephone listing, date and place of birth, level  
8 of education, degrees received, and (if available) the  
9 most recent previous educational program enrolled  
10 in by the student.

11 (2) The term “student” means an individual  
12 enrolled in any program of education who is 17  
13 years of age or older.

14 **SEC. 1092. STATE RECOGNITION OF MILITARY ADVANCE**  
15 **MEDICAL DIRECTIVES.**

16 (a) IN GENERAL.—(1) Chapter 53 of title 10, United  
17 States Code, is amended by inserting after section 1044b  
18 the following new section:

19 **“§1044c. Advance medical directives of armed forces**  
20 **personnel and dependents: requirement**  
21 **for recognition by States**

22 “(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT  
23 WITHOUT REGARD TO STATE LAW.—An advance medical  
24 directive executed by a person eligible for legal assist-  
25 ance—

1           “(1) is exempt from any requirement of form,  
2           substance, formality, or recording that is provided  
3           for advance medical directives under the laws of a  
4           State; and

5           “(2) shall be given the same legal effect as an  
6           advance medical directive prepared and executed in  
7           accordance with the laws of the State concerned.

8           “(b) ADVANCE MEDICAL DIRECTIVES COVERED.—  
9           For purposes of this section, an advance medical directive  
10          is any written declaration that—

11           “(1) sets forth directions regarding the provi-  
12          sion, withdrawal, or withholding of life-prolonging  
13          procedures, including hydration and sustenance, for  
14          the declarant whenever the declarant has a terminal  
15          physical condition or is in a persistent vegetative  
16          state; or

17           “(2) authorizes another person to make health  
18          care decisions for the declarant, under circumstances  
19          stated in the declaration, whenever the declarant is  
20          incapable of making informed health care decisions.

21           “(c) STATEMENT TO BE INCLUDED.—(1) Under reg-  
22          ulations prescribed by the Secretary concerned, each ad-  
23          vance medical directive prepared by an attorney author-  
24          ized to provide legal assistance shall contain a statement  
25          that sets forth the provisions of subsection (a).

1       “(2) Paragraph (1) shall not be construed to make  
2 inapplicable the provisions of subsection (a) to an advance  
3 medical directive that does not include a statement de-  
4 scribed in that paragraph.

5       “(d) STATES NOT RECOGNIZING ADVANCE MEDICAL  
6 DIRECTIVES.—Subsection (a) does not make an advance  
7 medical directive enforceable in a State that does not oth-  
8 erwise recognize and enforce advance medical directives  
9 under the laws of the State.

10       “(e) DEFINITIONS.—In this section:

11           “(1) The term ‘State’ includes the District of  
12 Columbia, the Commonwealth of Puerto Rico, and a  
13 possession of the United States.

14           “(2) The term ‘person eligible for legal assist-  
15 ance’ means a person who is eligible for legal assist-  
16 ance under section 1044 of this title.

17           “(3) The term ‘legal assistance’ means legal  
18 services authorized under section 1044 of this title.”.

19       (2) The table of sections at the beginning of such  
20 chapter is amended by inserting after the item relating  
21 to section 1044b the following:

“1044c. Advance medical directives of armed forces personnel and dependents:  
requirement for recognition by States.”.

22       (b) EFFECTIVE DATE.—Section 1044c of title 10,  
23 United States Code, shall take effect on the date of the  
24 enactment of this Act and shall apply to advance medical

1 directives referred to in such section that are executed be-  
2 fore, on, or after that date.

3 **SEC. 1093. REPORT ON PERSONNEL REQUIREMENTS FOR**  
4 **CONTROL OF TRANSFER OF CERTAIN WEAP-**  
5 **ONS.**

6 Not later than 30 days after the date of the enact-  
7 ment of this Act, the Secretary of Defense and the Sec-  
8 retary of Energy shall submit to the committees of Con-  
9 gress referred to in subsection (c) of section 1154 of the  
10 National Defense Authorization Act for Fiscal Year 1994  
11 (Public Law 103-160; 107 Stat. 1761) the report required  
12 under subsection (a) of that section. The Secretary of De-  
13 fense and the Secretary of Energy shall include with the  
14 report an explanation of the failure of such Secretaries  
15 to submit the report in accordance with such subsection  
16 (a) and with all other previous requirements for the sub-  
17 mittal of the report.

18 **SEC. 1094. SENSE OF SENATE REGARDING ETHICS COMMIT-**  
19 **TEE INVESTIGATION.**

20 (a) The Senate finds that—

21 (1) the Senate Select Committee on Ethics has  
22 a thirty-one year tradition of handling investigations  
23 of official misconduct in a bipartisan, fair and pro-  
24 fessional manner;

1           (2) the Ethics Committee, to ensure fairness to  
2 all parties in any investigation, must conduct its re-  
3 sponsibilities strictly according to established proce-  
4 dure and free from outside interference;

5           (3) the rights of all parties to bring an ethics  
6 complaint against a member, officer, or employee of  
7 the Senate are protected by the official rules and  
8 precedents of the Senate and the Ethics Committee;

9           (4) any Senator responding to a complaint be-  
10 fore the Ethics Committee deserves a fair and non-  
11 partisan hearing according to the rules of the Ethics  
12 Committee;

13           (5) the rights of all parties in an investiga-  
14 tion—both the individuals who bring a complaint or  
15 testify against a Senator, and any Senator charged  
16 with an ethics violation—can only be protected by  
17 strict adherence to the established rules and proce-  
18 dures of the ethics process;

19           (6) the integrity of the Senate and the integrity  
20 of the Ethics Committee rest on the continued ad-  
21 herence to precedents and rules, derived from the  
22 Constitution; and,

23           (7) the Senate as a whole has never intervened  
24 in any ongoing Senate Ethics Committee investiga-  
25 tion, and has considered matters before that Com-



1 rector of Central Intelligence for Military Support, while  
2 serving in such position, shall not be counted against the  
3 numbers and percentages of commissioned officers of the  
4 rank and grade of such officer authorized for the armed  
5 force of which such officer is a member.”.

6 **SEC. 1097. REVIEW OF NATIONAL POLICY ON PROTECTING**  
7 **THE NATIONAL INFORMATION INFRASTRUC-**  
8 **TURE AGAINST STRATEGIC ATTACKS.**

9 Not later than 120 days after the date of the enact-  
10 ment of this Act, the President shall submit to Congress  
11 a report setting forth the following:

12 (1) The national policy and architecture govern-  
13 ing the plans for establishing procedures, capabili-  
14 ties, systems, and processes necessary to perform in-  
15 dications, warning, and assessment functions regard-  
16 ing strategic attacks by foreign nations, groups, or  
17 individuals, or any other entity against the national  
18 information infrastructure.

19 (2) The future of the National Communications  
20 System (NCS), which has performed the central role  
21 in ensuring national security and emergency pre-  
22 paredness communications for essential United  
23 States Government and private sector users, includ-  
24 ing, specifically, a discussion of—

1 (A) whether there is a Federal interest in  
2 expanding or modernizing the National Commu-  
3 nications System in light of the changing stra-  
4 tegic national security environment and the rev-  
5 olution in information technologies; and

6 (B) the best use of the National Commu-  
7 nications System and the assets and experience  
8 it represents as an integral part of a larger na-  
9 tional strategy to protect the United States  
10 against a strategic attack on the national infor-  
11 mation infrastructure.

12 **SEC. 1098. JUDICIAL ASSISTANCE TO THE INTERNATIONAL**  
13 **TRIBUNAL FOR YUGOSLAVIA AND TO THE**  
14 **INTERNATIONAL TRIBUNAL FOR RWANDA.**

15 (a) SURRENDER OF PERSONS.—

16 (1) APPLICATION OF UNITED STATES EXTRA-  
17 DITION LAWS.—Except as provided in paragraphs  
18 (2) and (3), the provisions of chapter 209 of title  
19 18, United States Code, relating to the extradition  
20 of persons to a foreign country pursuant to a treaty  
21 or convention for extradition between the United  
22 States and a foreign government, shall apply in the  
23 same manner and extent to the surrender of per-  
24 sons, including United States citizens, to—

1 (A) the International Tribunal for Yugo-  
2 slavia, pursuant to the Agreement Between the  
3 United States and the International Tribunal  
4 for Yugoslavia; and

5 (B) the International Tribunal for Rwan-  
6 da, pursuant to the Agreement Between the  
7 United States and the International Tribunal  
8 for Rwanda.

9 (2) EVIDENCE ON HEARINGS.—For purposes of  
10 applying section 3190 of title 18, United States  
11 Code, in accordance with paragraph (1), the certifi-  
12 cation referred to in the section may be made by the  
13 principal diplomatic or consular officer of the United  
14 States resident in such foreign countries where the  
15 International Tribunal for Yugoslavia or the Inter-  
16 national Tribunal for Rwanda may be permanently  
17 or temporarily situated.

18 (3) PAYMENT OF FEES AND COSTS.—(A) The  
19 provisions of the Agreement Between the United  
20 States and the International Tribunal for Yugoslavia  
21 and of the Agreement Between the United States  
22 and the International Tribunal for Rwanda shall  
23 apply in lieu of the provisions of section 3195 of title  
24 18, United States Code, with respect to the payment  
25 of expenses arising from the surrender by the United

1 States of a person to the International Tribunal for  
2 Yugoslavia or the International Tribunal for Rwan-  
3 da, respectively, or from any proceedings in the  
4 United States relating to such surrender.

5 (B) The authority of subparagraph (A) may be  
6 exercised only to the extent and in the amounts pro-  
7 vided in advance in appropriations Acts.

8 (4) NONAPPLICABILITY OF THE FEDERAL  
9 RULES.—The Federal Rules of Evidence and the  
10 Federal Rules of Criminal Procedure do not apply to  
11 proceedings for the surrender of persons to the  
12 International Tribunal for Yugoslavia or the Inter-  
13 national Tribunal for Rwanda.

14 (b) ASSISTANCE TO FOREIGN AND INTERNATIONAL  
15 TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBU-  
16 NALS.—Section 1782(a) of title 28, United States Code,  
17 is amended by inserting in the first sentence after “foreign  
18 or international tribunal” the following: “, including crimi-  
19 nal investigations conducted prior to formal accusation”.

20 (c) DEFINITIONS.—As used in this section:

21 (1) INTERNATIONAL TRIBUNAL FOR YUGO-  
22 SLAVIA.—The term “International Tribunal for  
23 Yugoslavia” means the International Tribunal for  
24 the Prosecution of Persons Responsible for Serious  
25 Violations of International Humanitarian Law in the

1 Territory of the Former Yugoslavia, as established  
2 by United Nations Security Council Resolution 827  
3 of May 25, 1993.

4 (2) INTERNATIONAL TRIBUNAL FOR RWANDA.—  
5 The term “International Tribunal for Rwanda”  
6 means the International Tribunal for the Prosecu-  
7 tion of Persons Responsible for Genocide and Other  
8 Serious Violations of International Humanitarian  
9 Law Committed in the Territory of Rwanda and  
10 Rwandan Citizens Responsible for Genocide and  
11 Other Such Violations Committed in the Territory of  
12 Neighboring States, as established by United Na-  
13 tions Security Council Resolution 955 of November  
14 8, 1994.

15 (3) AGREEMENT BETWEEN THE UNITED  
16 STATES AND THE INTERNATIONAL TRIBUNAL FOR  
17 YUGOSLAVIA.—The term “Agreement Between the  
18 United States and the International Tribunal for  
19 Yugoslavia” means the Agreement on Surrender of  
20 Persons Between the Government of the United  
21 States and the International Tribunal for the Pros-  
22 ecution of Persons Responsible for Serious Viola-  
23 tions of International Law in the Territory of the  
24 Former Yugoslavia, signed at The Hague, October  
25 5, 1994.

1           (4) AGREEMENT BETWEEN THE UNITED  
2 STATES AND THE INTERNATIONAL TRIBUNAL FOR  
3 RWANDA.—The term “Agreement between the Unit-  
4 ed States and the International Tribunal for Rwan-  
5 da” means the Agreement on Surrender of Persons  
6 Between the Government of the United States and  
7 the International Tribunal for the Prosecution of  
8 Persons Responsible for Genocide and Other Serious  
9 Violations of International Humanitarian Law Com-  
10 mitted in the Territory of Rwanda and Rwandan  
11 Citizens Responsible for Genocide and Other Such  
12 Violations Committed in the Territory of Neighbor-  
13 ing States, signed at The Hague, January 24, 1995.

14 **SEC. 1099. LANDMINE USE MORATORIUM.**

15           (a) FINDINGS.—The Congress makes the following  
16 findings:

17           (1) On September 26, 1994, the President de-  
18 clared that it is a goal of the United States to even-  
19 tually eliminate antipersonnel landmines.

20           (2) On December 15, 1994, the United Nations  
21 General Assembly adopted a resolution sponsored by  
22 the United States which called for international ef-  
23 forts to eliminate antipersonnel landmines.

1           (3) According to the Department of State, there  
2           are an estimated 80,000,000 to 110,000,000  
3           unexploded landmines in 62 countries.

4           (4) Antipersonnel landmines are routinely used  
5           against civilian populations and kill and maim an es-  
6           timated 70 people each day, or 26,000 people each  
7           year.

8           (5) The Secretary of State has noted that land-  
9           mines are “slow-motion weapons of mass destruc-  
10          tion”.

11          (6) There are hundreds of varieties of anti-  
12          personnel landmines, from a simple type available at  
13          a cost of only two dollars to the more complex self-  
14          destructing type, and all landmines of whatever vari-  
15          ety kill and maim civilians, as well as combatants,  
16          indiscriminately.

17          (b) CONVENTIONAL WEAPONS CONVENTION RE-  
18          VIEW.—It is the sense of Congress that, at the United Na-  
19          tions conference to review the 1980 Conventional Weapons  
20          Convention, including Protocol II on landmines, that is to  
21          be held from September 25 to October 13, 1995, the  
22          President should actively support proposals to modify Pro-  
23          tocol II that would implement as rapidly as possible the  
24          United States goal of eventually eliminating antipersonnel  
25          landmines.

1 (c) MORATORIUM ON USE OF ANTIPERSONNEL  
2 LANDMINES.—

3 (1) UNITED STATES MORATORIUM.—(A) For a  
4 period of one year beginning three years after the  
5 date of the enactment of this Act, the United States  
6 shall not use antipersonnel landmines except along  
7 internationally recognized national borders or in de-  
8 militarized zones within a perimeter marked area  
9 that is monitored by military personnel and pro-  
10 tected by adequate means to ensure the exclusion of  
11 civilians.

12 (B) If the President determines, before the  
13 end of the period of the United States morato-  
14 rium under subparagraph (A), that the govern-  
15 ments of other nations are implementing mora-  
16 toria on use of antipersonnel landmines similar  
17 to the United States moratorium, the President  
18 may extend the period of the United States  
19 moratorium for such additional period as the  
20 President considers appropriate.

21 (2) OTHER NATIONS.—It is the sense of Con-  
22 gress that the President should actively encourage  
23 the governments of other nations to join the United  
24 States in solving the global landmine crisis by imple-  
25 menting moratoria on use of antipersonnel land-

1 mines similar to the United States moratorium as a  
2 step toward the elimination of antipersonnel land-  
3 mines.

4 (d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the  
5 sense of Congress that, consistent with the United States  
6 moratorium on exports of antipersonnel landmines and in  
7 order to further discourage the global proliferation of anti-  
8 personnel landmines, the United States Government  
9 should not sell, license for export, or otherwise transfer  
10 defense articles and services to any foreign government  
11 which, as determined by the President, sells, exports, or  
12 otherwise transfers antipersonnel landmines.

13 (e) DEFINITIONS.—

14 For purposes of this Act:

15 (1) ANTIPERSONNEL LANDMINE.—The term  
16 “antipersonnel landmine” means any munition  
17 placed under, on, or near the ground or other sur-  
18 face area, delivered by artillery, rocket, mortar, or  
19 similar means, or dropped from an aircraft and  
20 which is designed, constructed, or adapted to be det-  
21 onated or exploded by the presence, proximity, or  
22 contact of a person.

23 (2) 1980 CONVENTIONAL WEAPONS CONVEN-  
24 TION.—The term “1980 Conventional Weapons Con-  
25 vention” means the Convention on Prohibitions or

1 Restrictions on the Use of Certain Conventional  
2 Weapons Which May Be Deemed To Be Excessively  
3 Injurious or To Have Indiscriminate Effects, to-  
4 gether with the protocols relating thereto, done at  
5 Geneva on October 10, 1980.

6 **SEC. 1099A. EXTENSION OF PILOT OUTREACH PROGRAM.**

7 Section 1045(d) of the National Defense Authoriza-  
8 tion Act for Fiscal Year 1993 is amended by striking out  
9 “three” and inserting “five” in lieu thereof.

10 **SEC. 1099B. SENSE OF SENATE ON MIDWAY ISLANDS.**

11 (a) FINDINGS.—The Senate makes the following  
12 findings:

13 (1) September 2, 1995, marks the 50th anni-  
14 versary of the United States victory over Japan in  
15 World War II.

16 (2) The Battle of Midway proved to be the  
17 turning point in the war in the Pacific, as United  
18 States Navy forces inflicted such severe losses on the  
19 Imperial Japanese Navy during the battle that the  
20 Imperial Japanese Navy never again took the offen-  
21 sive against United States or allied forces.

22 (3) During the Battle of Midway, an out-  
23 numbered force of the United States Navy, consist-  
24 ing of 29 ships and other units of the Armed Forces  
25 under the command of Admiral Nimitz and Admiral

1 Spruance, out-maneuvered and out-fought 350 ships  
2 of the Imperial Japanese Navy.

3 (4) It is in the public interest to erect a memo-  
4 rial to the Battle of Midway that is suitable to ex-  
5 press the enduring gratitude of the American people  
6 for victory in the battle and to inspire future genera-  
7 tions of Americans with the heroism and sacrifice of  
8 the members of the Armed Forces who achieved that  
9 victory.

10 (b) SENSE OF SENATE.—It is the sense of the Senate  
11 that—

12 (1) the Midway Islands and the surrounding  
13 seas deserve to be memorialized;

14 (2) the historic structures related to the Battle  
15 of Midway should be maintained, in accordance with  
16 the National Historic Preservation Act, and subject  
17 to the availability of appropriations for that purpose.

18 (3) appropriate access to the Midway Islands by  
19 survivors of the Battle of Midway, their families,  
20 and other visitors should be provided in a manner  
21 that ensures the public health and safety on the  
22 Midway Islands and the conservation and natural re-  
23 sources of those islands in accordance with existing  
24 Federal law.

1 **SEC. 1099C. STUDY ON CHEMICAL WEAPONS STOCKPILE.**

2 (a) STUDY.—(1) The Secretary of Defense shall con-  
3 duct a study to assess the risk associated with the trans-  
4 portation of the unitary stockpile, any portion of the stock-  
5 pile to include drained agents from munitions and muni-  
6 tions, from one location to another within the continental  
7 United States. Also, the Secretary shall include a study  
8 of the assistance available to communities in the vicinity  
9 if the Department of Defense facilities co-located with con-  
10 tinuing chemical stockpile and chemical demilitarization  
11 operations which facilities are subject to closure, realign-  
12 ment, or reutilization.

13 (2) The review shall include an analysis of—

14 (A) the results of the physical and chemi-  
15 cal integrity report conducted by the Army on  
16 existing stockpile;

17 (B) a determination of the viability of  
18 transportation of any portion of the stockpile,  
19 to include drained agent from munitions and  
20 the munitions;

21 (C) the safety, cost-effectiveness, and pub-  
22 lic acceptability of transporting the stockpile, in  
23 its current configuration, or in alternative con-  
24 figurations;

25 (D) the economic effects of closure, re-  
26 alignment, or reutilization of the facilities re-

1           ferred to in paragraph (1) on the communities  
2           referred to in that paragraph; and

3                   (E) the unique problems that such commu-  
4           nities face with respect to the reuse of such fa-  
5           cilities as a result of the operations referred to  
6           in paragraph (1).

7           (b) REPORT.—Not later than 90 days after the date  
8           of the enactment of this Act, the Secretary shall submit  
9           to Congress a report on the study carried out under sub-  
10          section (a). The report shall include recommendations of  
11          the Secretary on methods for ensuring the expeditious and  
12          cost-effective transfer or lease of facilities referred to in  
13          paragraph (1) of subsection (a) to communities referred  
14          to in paragraph (1) for reuse by such communities.

15   **SEC. 1099D. DESIGNATION OF NATIONAL MARITIME CEN-**  
16                   **TER.**

17          (a) DESIGNATION OF NATIONAL MARITIME CEN-  
18          TER.—The NAUTICUS building, located at one Water-  
19          side Drive, Norfolk, Virginia, shall be known and des-  
20          ignated as the “National Maritime Center”.

21          (b) REFERENCE TO NATIONAL MARITIME CEN-  
22          TER.—Any reference in a law, map, regulation, document,  
23          paper, or other record of the United States to the building  
24          referred to in subsection (a) shall be deemed to be a ref-  
25          erence to the “National Maritime Center”.

1 **SEC. 1099E. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT**  
2 **FLEET.**

3 (a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—  
4 Not later than February 1, 1996, the Secretary of Defense  
5 shall submit to Congress the report on aircraft designated  
6 as Operational Support Airlift Aircraft that is currently  
7 in preparation by the Joint Chiefs of Staff.

8 (b) CONTENT OF REPORT.—(1) The report shall con-  
9 tain findings and recommendations regarding the follow-  
10 ing:

11 (A) Modernization and safety requirements for  
12 the Operational Support Airlift Aircraft fleet.

13 (B) Standardization plans and requirements of  
14 that fleet.

15 (C) The disposition of aircraft considered excess  
16 to that fleet in light of the requirements set forth  
17 under subparagraph (A).

18 (D) The need for helicopter support in the Na-  
19 tional Capital Region.

20 (E) The acceptable uses of helicopter support in  
21 the National Capital Region.

22 (2) In preparing the report, the Joint Chiefs of Staff  
23 shall take into account the recommendation of the Com-  
24 mission on Roles and Missions of the Armed Forces to  
25 reduce the size of the Operational Support Airlift Aircraft  
26 fleet.

1           (c) REGULATIONS.—(1) Upon completion of the re-  
2 port referred to in subsection (a), the Secretary shall pre-  
3 scribe regulations, consistent with the findings and rec-  
4 ommendations set forth in the report, for the operation,  
5 maintenance, disposition, and use of aircraft designated  
6 as Operational Support Airlift Aircraft.

7           (2) The regulations shall, to the maximum extent  
8 practicable, provide for, and encourage the use of, com-  
9 mercial airlines in lieu of the use of aircraft designated  
10 as Operational Support Airlift Aircraft.

11          (3) The regulations shall apply uniformly throughout  
12 the Department of Defense.

13          (4) The regulations should not require exclusive use  
14 of the aircraft designated as Operational Support Airlift  
15 Aircraft for any particular class of government personnel.

16          (d) REDUCTIONS IN FLYING HOURS.—(1) The Sec-  
17 retary shall ensure that the number of hours flown in fis-  
18 cal year 1996 by aircraft designated as Operational Sup-  
19 port Airlift Aircraft does not exceed the number equal to  
20 85 percent of the number of hours flown in fiscal year  
21 1995 by such aircraft.

22          (2) The Secretary should ensure that the number of  
23 hours flown in fiscal year 1996 for helicopter support in  
24 the National Capital Region does not exceed the number

1 equal to 85 percent of the number of hours flown in fiscal  
2 year 1995 for such helicopter support.

3 (e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of  
4 the funds authorized to be appropriated under title III for  
5 the operation and use of aircraft designated as Oper-  
6 ational Support Airlift Aircraft, not more than 50 percent  
7 of such funds shall be available for that purpose until the  
8 submittal of the report referred to in subsection (a).

9 **SEC. 1099F. SENSE OF THE SENATE ON CHEMICAL WEAP-**  
10 **ONS CONVENTION AND START II TREATY**  
11 **RATIFICATION.**

12 (a) FINDINGS.—The Senate makes the following  
13 findings:

14 (1) Proliferation of chemical or nuclear weapons  
15 materials poses a danger to United States national  
16 security, and the threat or use of such materials by  
17 terrorists would directly threaten United States citi-  
18 zens at home and abroad.

19 (2) The Chemical Weapons Convention nego-  
20 tiated and signed by President Bush would make it  
21 more difficult for would-be proliferators, including  
22 terrorists, to acquire or use chemical weapons, if  
23 ratified and fully implemented as signed, by all sig-  
24 natories.

1           (3) The START II Treaty negotiated and  
2 signed by President Bush would help reduce the  
3 danger of potential proliferators, including terrorists,  
4 acquiring nuclear warheads and materials, and  
5 would contribute to United States-Russian bilateral  
6 efforts to secure and dismantle nuclear warheads, if  
7 ratified and fully implemented as signed by both  
8 parties.

9           (4) It is in the national security interest of the  
10 United States to take effective steps to make it  
11 harder for proliferators or would-be terrorists to ob-  
12 tain chemical or nuclear materials for use in weap-  
13 ons.

14           (5) The President has urged prompt Senate ac-  
15 tion on, and advice and consent to ratification of,  
16 the START II Treaty and the Chemical Weapons  
17 Convention.

18           (6) The Chairman of the Joint Chiefs of Staff  
19 has testified to Congress that ratification and full  
20 implementation of both treaties by all parties is in  
21 the United States national interest, and has strongly  
22 urged prompt Senate advice and consent to their  
23 ratification.

24           (b) SENSE OF THE SENATE.—It is the sense of the  
25 Senate that the United States and all other parties to the

1 START II and Chemical Weapons Convention should  
2 promptly ratify and fully implement, as negotiated, both  
3 treaties.

4           **TITLE XI—TECHNICAL AND**  
5           **CLERICAL AMENDMENTS**

6   **SEC. 1101. AMENDMENTS RELATED TO RESERVE OFFICER**  
7           **PERSONNEL MANAGEMENT ACT.**

8           (a) PUBLIC LAW 103-337.—The Reserve Officer  
9 Personnel Management Act (title XVI of the National De-  
10 fense Authorization Act for Fiscal Year 1995 (Public Law  
11 103-337)) is amended as follows:

12           (1) Section 1624 (108 Stat. 2961) is amend-  
13           ed—

14                   (A) by striking out “641” and all that fol-  
15                   lows through “(2)” and inserting in lieu thereof  
16                   “620 is amended”; and

17                   (B) by redesignating as subsection (d) the  
18                   subsection added by the amendment made by  
19                   that section.

20           (2) Section 1625 (108 Stat. 2962) is amended  
21           by striking out “Section 689” and inserting in lieu  
22           thereof “Section 12320”.

23           (3) Section 1626(1) (108 Stat. 2962) is amend-  
24           ed by striking out “(W-5)” in the second quoted

1 matter therein and inserting in lieu thereof “, W-  
2 5,”.

3 (4) Section 1627 (108 Stat. 2962) is amended  
4 by striking out “Section 1005(b)” and inserting in  
5 lieu thereof “Section 12645(b)”.

6 (5) Section 1631 (108 Stat. 2964) is amend-  
7 ed—

8 (A) in subsection (a), by striking out “Sec-  
9 tion 510” and inserting in lieu thereof “Section  
10 12102”; and

11 (B) in subsection (b), by striking out “Sec-  
12 tion 591” and inserting in lieu thereof “Section  
13 12201”.

14 (6) Section 1632 (108 Stat. 2965) is amended  
15 by striking out “Section 593(a)” and inserting in  
16 lieu thereof “Section 12203(a)”.

17 (7) Section 1635(a) (108 Stat. 2968) is amend-  
18 ed by striking out “section 1291” and inserting in  
19 lieu thereof “section 1691(b)”.

20 (8) Section 1671 (108 Stat. 3013) is amend-  
21 ed—

22 (A) in subsection (b)(3), by striking out  
23 “512, and 517” and inserting in lieu thereof  
24 “and 512”; and

1 (B) in subsection (c)(2), by striking out  
2 the comma after “861” in the first quoted mat-  
3 ter therein.

4 (9) Section 1684(b) (108 Stat. 3024) is amend-  
5 ed by striking out “section 14110(d)” and inserting  
6 in lieu thereof “section 14111(c)”.

7 (b) SUBTITLE E OF TITLE 10.—Subtitle E of title  
8 10, United States Code, is amended as follows:

9 (1) The tables of chapters preceding part I and  
10 at the beginning of part IV are amended by striking  
11 out “Repayments” in the item relating to chapter  
12 1609 and inserting in lieu thereof “Repayment Pro-  
13 grams”.

14 (2)(A) The heading for section 10103 is amend-  
15 ed to read as follows:

16 **“§ 10103. Basic policy for order into Federal service”.**

17 (B) The item relating to section 10103 in the  
18 table of sections at the beginning of chapter 1003 is  
19 amended to read as follows:

“10103. Basic policy for order into Federal service.”.

20 (3) The table of sections at the beginning of  
21 chapter 1005 is amended by striking out the third  
22 word in the item relating to section 10142.

23 (4) The table of sections at the beginning of  
24 chapter 1007 is amended—

1 (A) by striking out the third word in the  
2 item relating to section 10205; and

3 (B) by capitalizing the initial letter of the  
4 sixth word in the item relating to section  
5 10211.

6 (5) The table of sections at the beginning of  
7 chapter 1011 is amended by inserting “Sec.” at the  
8 top of the column of section numbers.

9 (6) Section 10507 is amended—

10 (A) by striking out “section 124402(b)”  
11 and inserting in lieu thereof “section  
12 12402(b)”;

13 (B) by striking out “Air Forces” and in-  
14 serting in lieu thereof “Air Force”.

15 (7)(A) Section 10508 is repealed.

16 (B) The table of sections at the beginning of  
17 chapter 1011 is amended by striking out the item  
18 relating to section 10508.

19 (8) Section 10542 is amended by striking out  
20 subsection (d).

21 (9) Section 12004(a) is amended by striking  
22 out “active-status” and inserting in lieu thereof “ac-  
23 tive status”.



1           (16) The table of sections at the beginning of  
2 chapter 1209 is amended—

3           (A) in the item relating to section 12304,  
4 by striking out the colon and inserting in lieu  
5 thereof a semicolon; and

6           (B) in the item relating to section 12308,  
7 by striking out the second, third, and fourth  
8 words.

9           (17) Section 12307 is amended by striking out  
10 “Ready Reserve” in the second sentence and insert-  
11 ing in lieu thereof “Retired Reserve”.

12           (18) The heading of section 12401 is amended  
13 by striking out the seventh word.

14           (19) Section 12407(b) is amended—

15           (A) by striking out “of those jurisdictions”  
16 and inserting in lieu thereof “State”; and

17           (B) by striking out “jurisdictions” and in-  
18 serting in lieu thereof “States”

19           (20) Section 12731(f) is amended by striking  
20 out “the date of the enactment of this subsection”  
21 and inserting in lieu thereof “October 5, 1994,”.

22           (21) Section 12731a(c)(3) is amended by in-  
23 serting a comma after “Defense Conversion”.

1           (22) Section 14003 is amended by inserting  
2           “**lists**” in the section heading immediately before  
3           the colon.

4           (23) The table of sections at the beginning of  
5           chapter 1403 is amended by striking out “selection  
6           board” in the item relating to section 14105 and in-  
7           serting in lieu thereof “promotion board”.

8           (24) The table of sections at the beginning of  
9           chapter 1405 is amended—

10                   (A) in the item relating to section 14307,  
11                   by striking out “Numbers” and inserting in lieu  
12                   thereof “Number”;

13                   (B) in the item relating to section 14309,  
14                   by striking out the colon and inserting in lieu  
15                   thereof a semicolon; and

16                   (C) in the item relating to section 14314,  
17                   by capitalizing the initial letter of the ante-  
18                   penultimate word.

19           (25) Section 14315(a) is amended by striking  
20           out “a Reserve officer” and inserting in lieu thereof  
21           “a reserve officer”.

22           (26) 14317(e) is amended—

23                   (A) by inserting “OFFICERS ORDERED TO  
24                   ACTIVE DUTY IN TIME OF WAR OR NATIONAL  
25                   EMERGENCY.—” after “(e)”; and

1 (B) by striking out “section 10213 or  
2 644” and inserting in lieu thereof “section 123  
3 or 10213”.

4 (27) The table of sections at the beginning of  
5 chapter 1407 is amended—

6 (A) in the item relating to section 14506,  
7 by inserting “reserve” after “Marine Corps  
8 and”; and

9 (B) in the item relating to section 14507,  
10 by inserting “reserve” after “Removal from  
11 the”; and

12 (C) in the item relating to section 14509,  
13 by inserting “in grades” after “reserve offi-  
14 cers”.

15 (28) Section 14501(a) is amended by inserting  
16 “OFFICERS BELOW THE GRADE OF COLONEL OR  
17 NAVY CAPTAIN.—” after “(a)”.

18 (29) The heading for section 14506 is amended  
19 by inserting a comma after “**Air Force**”.

20 (30) Section 14508 is amended by striking out  
21 “this” after “from an active status under” in sub-  
22 sections (c) and (d).

23 (31) Section 14515 is amended by striking out  
24 “inactive status” and inserting in lieu thereof “inac-  
25 tive-status”.

1           (32) Section 14903(b) is amended by striking  
2 out “chapter” and inserting in lieu thereof “title”.

3           (33) The table of sections at the beginning of  
4 chapter 1606 is amended in the item relating to sec-  
5 tion 16133 by striking out “limitations” and insert-  
6 ing in lieu thereof “limitation”.

7           (34) Section 16132(c) is amended by striking  
8 out “section” and inserting in lieu thereof “sec-  
9 tions”.

10           (35) Section 16135(b)(1)(A) is amended by  
11 striking out “section 2131(a)” and inserting in lieu  
12 thereof “sections 16131(a)”.

13           (36) Section 18236(b)(1) is amended by strik-  
14 ing out “section 2233(e)” and inserting in lieu  
15 thereof “section 18233(e)”.

16           (37) Section 18237 is amended—

17           (A) in subsection (a), by striking out “sec-  
18 tion 2233(a)(1)” and inserting in lieu thereof  
19 “section 18233(a)(1)”; and

20           (B) in subsection (b), by striking out “sec-  
21 tion 2233(a)” and inserting in lieu thereof “sec-  
22 tion 18233(a)”.

23           (c) OTHER PROVISIONS OF TITLE 10.—Effective as  
24 of December 1, 1994 (except as otherwise expressly pro-  
25 vided), and as if included as amendments made by the

1 Reserve Officer Personnel Management Act (title XVI of  
2 Public Law 103–360) as originally enacted, title 10, Unit-  
3 ed States Code, is amended as follows:

4 (1) Section 101(d)(6)(B)(i) is amended by  
5 striking out “section 175” and inserting in lieu  
6 thereof “section 10301”.

7 (2) Section 114(b) is amended by striking out  
8 “chapter 133” and inserting in lieu thereof “chapter  
9 1803”.

10 (3) Section 115(d) is amended—

11 (A) in paragraph (1), by striking out “sec-  
12 tion 673” and inserting in lieu thereof “section  
13 12302”;

14 (B) in paragraph (2), by striking out “sec-  
15 tion 673b” and inserting in lieu thereof “sec-  
16 tion 12304”; and

17 (C) in paragraph (3), by striking out “sec-  
18 tion 3500 or 8500” and inserting in lieu thereof  
19 “section 12406”.

20 (4) Section 123(a) is amended—

21 (A) by striking out “281, 592, 1002, 1005,  
22 1006, 1007, 1374, 3217, 3218, 3219, 3220,”  
23 “5414, 5457, 5458,” and “8217, 8218,  
24 8219,”; and

1 (B) by striking out “and 8855” and insert-  
2 ing in lieu thereof “8855, 10214, 12003,  
3 12004, 12005, 12007, 12202, 12213, 12642,  
4 12645, 12646, 12647, 12771, 12772, and  
5 12773”.

6 (5) Section 582(1) is amended by striking out  
7 “section 672(d)” in subparagraph (B) and “section  
8 673b” in subparagraph (D) and inserting in lieu  
9 thereof “section 12301(d)” and “section 12304”, re-  
10 spectively.

11 (6) Section 641(1)(B) is amended by striking  
12 out “10501” and inserting in lieu thereof “10502,  
13 10505, 10506(a), 10506(b), 10507”.

14 (7) The table of sections at the beginning of  
15 chapter 39 is amended by striking out the items re-  
16 lating to sections 687 and 690.

17 (8) Sections 1053(a)(1), 1064, and 1065(a) are  
18 amended by striking out “chapter 67” and inserting  
19 in lieu thereof “chapter 1223”.

20 (9) Section 1063(a)(1) is amended by striking  
21 out “section 1332(a)(2)” and inserting in lieu there-  
22 of “section 12732(a)(2)”.

23 (10) Section 1074b(b)(2) is amended by strik-  
24 ing out “section 673c” and inserting in lieu thereof  
25 “section 12305”.

1           (11) Section 1076(b)(2)(A) is amended by  
2 striking out “before the effective date of the Reserve  
3 Officer Personnel Management Act” and inserting in  
4 lieu thereof “before December 1, 1994”.

5           (12) Section 1176(b) is amended by striking  
6 out “section 1332” in the matter preceding para-  
7 graph (1) and in paragraph (2) and inserting in lieu  
8 thereof “section 12732”.

9           (13) Section 1208(b) is amended by striking  
10 out “section 1333” and inserting in lieu thereof  
11 “section 12733”.

12           (14) Section 1209 is amended by striking out  
13 “section 1332”, “section 1335”, and “chapter 71”  
14 and inserting in lieu thereof “section 12732”, “sec-  
15 tion 12735”, and “section 12739”, respectively.

16           (15) Section 1407 is amended—

17                   (A) in subsection (c)(1) and (d)(1), by  
18 striking out “section 1331” and inserting in  
19 lieu thereof “section 12731”; and

20                   (B) in the heading for paragraph (1) of  
21 subsection (d), by striking out “CHAPTER 67”  
22 and inserting in lieu thereof “CHAPTER 1223”.

23           (16) Section 1408(a)(5) is amended by striking  
24 out “section 1331” and inserting in lieu thereof  
25 “section 12731”

1           (17) Section 1431(a)(1) is amended by striking  
2 out “section 1376(a)” and inserting in lieu thereof  
3 “section 12774(a)”.

4           (18) Section 1463(a)(2) is amended by striking  
5 out “chapter 67” and inserting in lieu thereof  
6 “chapter 1223”.

7           (19) Section 1482(f)(2) is amended by inserting  
8 “section” before “12731 of this title”.

9           (20) The table of sections at the beginning of  
10 chapter 533 is amended by striking out the item re-  
11 lating to section 5454.

12           (21) Section 2006(b)(1) is amended by striking  
13 out “chapter 106 of this title” and inserting in lieu  
14 thereof “chapter 1606 of this title”.

15           (22) Section 2121(c) is amended by striking  
16 out “section 3353, 5600, or 8353” and inserting in  
17 lieu thereof “section 12207”, effective on the effec-  
18 tive date specified in section 1691(b)(1) of Public  
19 Law 103–337.

20           (23) Section 2130a(b)(3) is amended by strik-  
21 ing out “section 591” and inserting in lieu thereof  
22 “section 12201”.

23           (24) The table of sections at the beginning of  
24 chapter 337 is amended by striking out the items re-  
25 lating to section 3351 and 3352.

1           (25) Sections 3850, 6389(c), 6391(c), and 8850  
2           are amended by striking out “section 1332” and in-  
3           serting in lieu thereof “section 12732”.

4           (26) Section 5600 is repealed, effective on the  
5           effective date specified in section 1691(b)(1) of Pub-  
6           lic Law 103–337.

7           (27) Section 5892 is amended by striking out  
8           “section 5457 or section 5458” and inserting in lieu  
9           thereof “section 12004 or section 12005”.

10          (28) Section 6410(a) is amended by striking  
11          out “section 1005” and inserting in lieu thereof  
12          “section 12645”.

13          (29) The table of sections at the beginning of  
14          chapter 837 is amended by striking out the items re-  
15          lating to section 8351 and 8352.

16          (30) Section 8360(b) is amended by striking  
17          out “section 1002” and inserting in lieu thereof  
18          “section 12642”.

19          (31) Section 8380 is amended by striking out  
20          “section 524” in subsections (a) and (b) and insert-  
21          ing in lieu thereof “section 12011”.

22          (32) Sections 8819(a), 8846(a), and 8846(b)  
23          are amended by striking out “section 1005 and  
24          1006” and inserting in lieu thereof “sections 12645  
25          and 12646”.

1           (33) Section 8819 is amended by striking out  
2           “section 1005” and “section 1006” and inserting in  
3           lieu thereof “section 12645” and “section 12646”,  
4           respectively.

5           (d) CROSS REFERENCES IN OTHER DEFENSE  
6 LAWS.—

7           (1) Section 337(b) of the National Defense Au-  
8           thorization Act for Fiscal Year 1995 (Public Law  
9           103-337; 108 Stat. 2717) is amended by inserting  
10          before the period at the end the following: “or who  
11          after November 30, 1994, transferred to the Retired  
12          Reserve under section 10154(2) of title 10, United  
13          States Code, without having completed the years of  
14          service required under section 12731(a)(2) of such  
15          title for eligibility for retired pay under chapter  
16          1223 of such title”.

17          (2) Section 525 of the National Defense Au-  
18          thorization Act for Fiscal Years 1992 and 1993  
19          (P.L. 102-190, 105 Stat. 1363) is amended by  
20          striking out “section 690” and inserting in lieu  
21          thereof “section 12321”.

22          (3) Subtitle B of title XLIV of the National  
23          Defense Authorization Act for Fiscal Year 1993  
24          (P.L. 102-484; 10 U.S.C. 12681 note) is amend-  
25          ed—

1 (A) in section 4415, by striking out “sec-  
2 tion 1331a” and inserting in lieu thereof “sec-  
3 tion 12731a”;

4 (B) in subsection 4416—

5 (i) in subsection (a), by striking out  
6 “section 1331” and inserting in lieu there-  
7 of “section 12731”;

8 (ii) in subsection (b)—

9 (I) by inserting “or section  
10 12732” in paragraph (1) after “under  
11 that section”; and

12 (II) by inserting “or 12731(a)”  
13 in paragraph (2) after “section  
14 1331(a)”;

15 (iii) in subsection (e)(2), by striking  
16 out “section 1332” and inserting in lieu  
17 thereof “section 12732”; and

18 (iv) in subsection (g), by striking out  
19 “section 1331a” and inserting in lieu  
20 thereof “section 12731a”; and

21 (C) in section 4418—

22 (i) in subsection (a), by striking out  
23 “section 1332” and inserting in lieu there-  
24 of “section 12732”; and

1           (ii) in subsection (b)(1)(A), by strik-  
2           ing out “section 1333” and inserting in  
3           lieu thereof “section 12733”.

4           (4) Title 37, United States Code, is amended—

5           (A) in section 302f(b), by striking out  
6           “section 673c of title 10” in paragraphs (2)  
7           and (3)(A) and inserting in lieu thereof “sec-  
8           tion 12305 of title 10”; and

9           (B) in section 433(a), by striking out “sec-  
10          tion 687 of title 10” and inserting in lieu there-  
11          of “section 12319 of title 10”.

12          (e) CROSS REFERENCES IN OTHER LAWS.—

13          (1) Title 14, United States Code, is amended—

14          (A) in section 705(f), by striking out “600  
15          of title 10” and inserting in lieu thereof “12209  
16          of title 10”; and

17          (B) in section 741(c), by striking out “sec-  
18          tion 1006 of title 10” and inserting in lieu  
19          thereof “section 12646 of title 10”.

20          (2) Title 38, United States Code, is amended—

21          (A) in section 3011(d)(3), by striking out  
22          “section 672, 673, 673b, 674, or 675 of title  
23          10” and inserting in lieu thereof “section  
24          12301, 12302, 12304, 12306, or 12307 of title  
25          10”;

1 (B) in sections 3012(b)(1)(B)(iii) and  
2 3701(b)(5)(B), by striking out “section 268(b)  
3 of title 10” and inserting in lieu thereof “sec-  
4 tion 10143(a) of title 10”;

5 (C) in section 3501(a)(3)(C), by striking  
6 out “section 511(d) of title 10” and inserting in  
7 lieu thereof “section 12103(d) of title 10”; and

8 (D) in section 4211(4)(C), by striking out  
9 “section 672(a), (d), or (g), 673, or 673b of  
10 title 10” and inserting in lieu thereof “section  
11 12301(a), (d), or (g), 12302, or 12304 of title  
12 10”.

13 (3) Section 702(a)(1) of the Soldiers’ and Sail-  
14 ors’ Civil Relief Act of 1940 ( 50 U.S.C. App.  
15 592(a)(1)) is amended—

16 (A) by striking out “section 672 (a) or (g),  
17 673, 673b, 674, 675, or 688 of title 10” and  
18 inserting in lieu thereof “section 688, 12301(a),  
19 12301(g), 12302, 12304, 12306, or 12307 of  
20 title 10”; and

21 (B) by striking out “section 672(d) of such  
22 title” and inserting in lieu thereof “section  
23 12301(d) of such title”.

24 (4) Section 463A of the Higher Education Act  
25 of 1965 (20 U.S.C. 1087cc–1) is amended in sub-

1 section (a)(10) by striking out “(10 U.S.C. 2172)”  
2 and inserting in lieu thereof “(10 U.S.C. 16302)”.

3 (5) Section 179 of the National and Community  
4 Service Act of 1990 (42 U.S.C. 12639) is amended  
5 in subsection (a)(2)(C) by striking out “section  
6 216(a) of title 5” and inserting in lieu thereof “sec-  
7 tion 10101 of title 10”.

8 (f) EFFECTIVE DATES.—

9 (1) Section 1636 of the Reserve Officer Person-  
10 nel Management Act shall take effect on the date of  
11 the enactment of this Act.

12 (2) The amendments made by sections 1672(a),  
13 1673(a) (with respect to chapters 541 and 549),  
14 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7)  
15 shall take effect on the effective date specified in  
16 section 1691(b)(1) of the Reserve Officer Personnel  
17 Management Act (notwithstanding section 1691(a)  
18 of such Act).

19 (3) The amendments made by this section shall  
20 take effect as if included in the Reserve Officer Per-  
21 sonnel Management Act as enacted on October 5,  
22 1994.

1 **SEC. 1102. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.**  
2

3 (a) PUBLIC LAW 103-355.—Effective as of October  
4 13, 1994, and as if included therein as enacted, the Fed-  
5 eral Acquisition Streamlining Act of 1994 (Public Law  
6 103-355; 108 Stat. 3243 et seq.) is amended as follows:

7 (1) Section 1202(a) (108 Stat. 3274) is amend-  
8 ed by striking out the closing quotation marks and  
9 second period at the end of paragraph (2)(B) of the  
10 subsection inserted by the amendment made by that  
11 section.

12 (2) Section 1251(b) (108 Stat. 3284) is amend-  
13 ed by striking out “Office of Federal Procurement  
14 Policy Act” and inserting in lieu thereof “Federal  
15 Property and Administrative Services Act of 1949”.

16 (3) Section 2051(e) (108 Stat. 3304) is amend-  
17 ed by striking out the closing quotation marks and  
18 second period at the end of subsection (f)(3) in the  
19 matter inserted by the amendment made by that sec-  
20 tion.

21 (4) Section 2101(a)(6)(B)(ii) (108 Stat. 3308)  
22 is amended by replacing “regulation” with “regula-  
23 tions” in the first quoted matter.

24 (5) The heading of section 2352(b) (108 Stat.  
25 3322) is amended by striking out “PROCEDURES TO

1 SMALL BUSINESS GOVERNMENT CONTRACTORS.—”  
2 and inserting in lieu thereof “PROCEDURES.—”.

3 (6) Section 3022 (108 Stat. 3333) is amended  
4 by striking out “each place” and all that follows  
5 through the end of the section and inserting in lieu  
6 thereof “in paragraph (1) and “, rent,” after “sell”  
7 in paragraph (2).”.

8 (7) Section 5092(b) (108 Stat. 3362) is amend-  
9 ed by inserting “of paragraph (2)” after “second  
10 sentence”.

11 (8) Section 6005(a) (108 Stat. 3364) is amend-  
12 ed by striking out the closing quotation marks and  
13 second period at the end of subsection (e)(2) of the  
14 matter inserted by the amendment made by that sec-  
15 tion.

16 (9) Section 10005(f)(4) (108 Stat. 3409) is  
17 amended in the second matter in quotation marks by  
18 striking out “‘SEC. 5. This Act’” and inserting in  
19 lieu thereof “‘SEC. 7. This title’”.

20 (b) TITLE 10, UNITED STATES CODE.—Title 10,  
21 United States Code, is amended as follows:

22 (1) Section 2220(b) is amended by striking out  
23 “the date of the enactment of the Federal Acquisi-  
24 tion Streamlining Act of 1994” and inserting in lieu  
25 thereof “October 13, 1994”.

1           (2)(A) The section 2247 added by section  
2           7202(a)(1) of Public Law 103–355 (108 Stat. 3379)  
3           is redesignated as section 2249.

4           (B) The item relating to that section in the  
5           table of sections at the beginning of subchapter I of  
6           chapter 134 is revised to conform to the redesigna-  
7           tion made by subparagraph (A).

8           (3) Section 2302(3)(K) is amended by adding a  
9           period at the end.

10          (4) Section 2304(h) is amended by striking out  
11          paragraph (1) and inserting in lieu thereof the fol-  
12          lowing:

13               “(1) The Walsh-Healey Act (41 U.S.C. 35 et  
14               seq.).”.

15          (5)(A) The section 2304a added by section  
16          848(a)(1) of Public Law 103–160 (107 Stat. 1724)  
17          is redesignated as section 2304e.

18          (B) The item relating to that section in the  
19          table of sections at the beginning of chapter 137 is  
20          revised to conform to the redesignation made by  
21          subparagraph (A).

22          (6) Section 2306a is amended—

23               (A) in subsection (d)(2)(A)(ii), by inserting  
24               “to” after “The information referred”;

1 (B) in subsection (e)(4)(B)(ii), by striking  
2 out the second comma after “parties”; and

3 (C) in subsection (i)(3), by inserting “(41  
4 U.S.C. 403(12))” before the period at the end.

5 (7) Section 2323 is amended—

6 (A) in subsection (a)(1)(C), by inserting a  
7 closing parenthesis after “1135d-5(3)” and  
8 after “1059c(b)(1)”;

9 (B) in subsection (a)(3), by inserting a  
10 closing parenthesis after “421(c)”;

11 (C) in subsection (b), by inserting “(1)”  
12 after “AMOUNT.—”; and

13 (D) in subsection (i)(3), by adding at the  
14 end a subparagraph (D) identical to the sub-  
15 paragraph (D) set forth in the amendment  
16 made by section 811(e) of Public Law 103-160  
17 (107 Stat. 1702).

18 (8) Section 2324 is amended—

19 (A) in subsection (e)(2)(C)—

20 (i) by striking out “awarding the con-  
21 tract” at the end of the first sentence; and

22 (ii) by striking out “title III” and all  
23 that follows through “Act)” and inserting  
24 in lieu thereof “the Buy American Act (41  
25 U.S.C. 10b-1)”;

1 (B) in subsection (h)(2), by inserting “the  
2 head of the agency or” after “in the case of any  
3 contract if”.

4 (9) Section 2350b is amended—

5 (A) in subsection (c)(1)—

6 (i) by striking out “specifically—”  
7 and inserting in lieu thereof “specifically  
8 prescribes—”; and

9 (ii) by striking out “prescribe” in  
10 each of subparagraphs (A), (B), (C), and  
11 (D); and

12 (B) in subsection (d)(1), by striking out  
13 “subcontract to be” and inserting in lieu there-  
14 of “subcontract be”.

15 (10) Section 2356(a) is amended by striking  
16 out “2354, or 2355” and inserting “or 2354”.

17 (11) Section 2372(i)(1) is amended by striking  
18 out “section 2324(m)” and inserting in lieu thereof  
19 “section 2324(l)”.

20 (12) Section 2384(b) is amended—

21 (A) in paragraph (2)—

22 (i) by striking “items, as” and insert-  
23 ing in lieu thereof “items (as”); and

24 (ii) by inserting a closing parenthesis  
25 after “403(12))”; and

1 (B) in paragraph (3), by inserting a clos-  
2 ing parenthesis after “403(11)”.

3 (13) Section 2397(a)(1) is amended—

4 (A) by inserting “as defined in section  
5 4(11) of the Office of Federal Procurement Pol-  
6 icy Act (41 U.S.C. 403(11))” after “threshold”;  
7 and

8 (B) by striking out “section 4(12) of the  
9 Office of Federal Procurement Policy Act” and  
10 inserting in lieu thereof “section 4(12) of such  
11 Act”.

12 (14) Section 2397b(f) is amended by inserting  
13 a period at the end of paragraph (2)(B)(iii).

14 (15) Section 2400(a)(5) is amended by striking  
15 out “the preceding sentence” and inserting in lieu  
16 thereof “this paragraph”.

17 (16) Section 2405 is amended—

18 (A) in paragraphs (1) and (2) of sub-  
19 section (a), by striking out “the date of the en-  
20 actment of the Federal Acquisition Streamlin-  
21 ing Act of 1994” and inserting in lieu thereof  
22 “October 13, 1994”; and

23 (B) in subsection (c)(3)—

24 (i) by striking out “the later of—”  
25 and all that follows through “(B)”; and

1           (ii) by redesignating clauses (i), (ii),  
2           and (iii) as subparagraphs (A), (B), and  
3           (C), respectively, and realigning those sub-  
4           paragraphs accordingly.

5           (17) Section 2410d(b) is amended by striking  
6           out paragraph (3).

7           (18) Section 2424(c) is amended—

8           (A) by inserting “EXCEPTION FOR SOFT  
9           DRINKS.—” after “(c)”; and

10          (B) by striking out “drink” the first and  
11          third places it appears in the second sentence  
12          and inserting in lieu thereof “beverage”.

13          (19) Section 2431 is amended—

14          (A) in subsection (b)—

15               (i) by striking out “Any report” in the  
16               first sentence and inserting in lieu thereof  
17               “Any documents”; and

18               (ii) by striking out “the report” in  
19               paragraph (3) and inserting in lieu thereof  
20               “the documents”; and

21          (B) in subsection (c), by striking “report-  
22          ing” and inserting in lieu thereof “documenta-  
23          tion”.

24          (20) Section 2533(a) is amended by striking  
25          out “title III of the Act” and all that follows

1 through “such Act” and inserting in lieu thereof  
2 “the Buy American Act (41 U.S.C. 10a) whether  
3 application of such Act”.

4 (21) Section 2662(b) is amended by striking  
5 out “small purchase threshold” and inserting in lieu  
6 thereof “simplified acquisition threshold”.

7 (22) Section 2701(i)(1) is amended—

8 (A) by striking out “Act of August 24,  
9 1935 (40 U.S.C. 270a–270d), commonly re-  
10 ferred to as the ‘Miller Act’,” and inserting in  
11 lieu thereof “Miller Act (40 U.S.C. 270a et  
12 seq.)”; and

13 (B) by striking out “such Act of August  
14 24, 1935” and inserting in lieu thereof “the  
15 Miller Act”.

16 (c) SMALL BUSINESS ACT.—The Small Business Act  
17 (15 U.S.C. 632 et seq.) is amended as follows:

18 (1) Section 8(d) (15 U.S.C. 637(d)) is amend-  
19 ed—

20 (A) in paragraph (1), by striking out the  
21 second comma after “small business concerns”  
22 the first place it appears; and

23 (B) in paragraph (6)(C), by striking out  
24 “and small business concerns owned and con-  
25 trolled by the socially and economically dis-

1           advantaged individuals” and inserting in lieu  
2           thereof “, small business concerns owned and  
3           controlled by socially and economically dis-  
4           advantaged individuals, and small business con-  
5           cerns owned and controlled by women”.

6           (2) Section 8(f) (15 U.S.C. 637(f)) is amended  
7           by inserting “and” after the semicolon at the end of  
8           paragraph (5).

9           (3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is  
10          amended by striking out the second comma after the  
11          first appearance of “small business concerns”.

12          (d) TITLE 31, UNITED STATES CODE.—Section 3551  
13          of title 31, United States Code, is amended—

14                 (1) by striking out “subchapter—” and insert-  
15                 ing in lieu thereof “subchapter:”; and

16                 (2) in paragraph (2), by striking out “or pro-  
17                 posed contract” and inserting in lieu thereof “or a  
18                 solicitation or other request for offers”.

19          (e) FEDERAL PROPERTY AND ADMINISTRATIVE  
20          SERVICES ACT OF 1949.—The Federal Property and Ad-  
21          ministrative Services Act of 1949 is amended as follows:

22                 (1) The table of contents in section 1 (40  
23                 U.S.C. 471 prec.) is amended—

24                         (A) by striking out the item relating to  
25                         section 104;

1 (B) by striking out the item relating to  
2 section 201 and inserting in lieu thereof the fol-  
3 lowing:

“Sec. 201. Procurements, warehousing, and related activities.”;

4 (C) by inserting after the item relating to  
5 section 315 the following new item:

“Sec. 316. Merit-based award of grants for research and development.”;

6 (D) by striking out the item relating to  
7 section 603 and inserting in lieu thereof the fol-  
8 lowing:

“Sec. 603. Authorizations for appropriations and transfer authority.”; and

9 (E) by inserting after the item relating to  
10 section 605 the following new item:

“Sec. 606. Sex discrimination.”.

11 (2) Section 111(b)(3) (40 U.S.C. 759(b)(3)) is  
12 amended by striking out the second period at the  
13 end of the third sentence.

14 (3) Section 111(f)(9) (40 U.S.C. 759(f)(9)) is  
15 amended in subparagraph (B) by striking out “or  
16 proposed contract” and inserting in lieu thereof “or  
17 a solicitation or other request for offers”.

18 (4) The heading for paragraph (1) of section  
19 304A(c) is amended by changing each letter that is  
20 capitalized (other than the first letter of the first  
21 word) to lower case.

1 (5) The heading for section 314A (41 U.S.C.  
2 41 U.S.C. 264a) is amended to read as follows:

3 **“SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF**  
4 **COMMERCIAL ITEMS.”.**

5 (6) The heading for section 316 (41 U.S.C.  
6 266) is amended by inserting at the end a period.

7 (f) WALSH-HEALEY ACT.—

8 (1) The Walsh-Healey Act (41 U.S.C. 35 et  
9 seq.) is amended—

10 (A) by transferring the second section 11  
11 (as added by section 7201(4) of Public Law  
12 103–355) so as to appear after section 10; and

13 (B) by redesignating the three sections fol-  
14 lowing such section 11 (as so transferred) as  
15 sections 12, 13, and 14.

16 (2) Such Act is further amended in section  
17 10(c) by striking out the comma after “‘locality’”.

18 (g) ANTI-KICKBACK ACT OF 1986.—Section 7 of the  
19 Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by  
20 striking out the second period at the end of subsection  
21 (d).

22 (h) OFFICE OF FEDERAL PROCUREMENT POLICY  
23 ACT.—The Office of Federal Procurement Policy Act (41  
24 U.S.C. 401 et seq.) is amended as follows:

1           (1) Section 6 (41 U.S.C. 405) is amended by  
2 transferring paragraph (12) of subsection (d) (as  
3 such paragraph was redesignated by section 5091(2)  
4 of the Federal Acquisition Streamlining Act of 1994  
5 (P.L. 103-355; 108 Stat. 3361) to the end of that  
6 subsection.

7           (2) Section 18(b) (41 U.S.C. 416(b)) is amend-  
8 ed by inserting “and” after the semicolon at the end  
9 of paragraph (5).

10           (3) Section 26(f)(3) (41 U.S.C. 422(f)(3) is  
11 amended in the first sentence by striking out “Not  
12 later than 180 days after the date of enactment of  
13 this section, the Administrator” and inserting in lieu  
14 thereof “The Administrator”.

15           (i) OTHER LAWS.—

16           (1) The National Defense Authorization Act for  
17 Fiscal Year 1994 (Public Law 103-160) is amended  
18 as follows:

19           (A) Section 126(c) (107 Stat. 1567) is  
20 amended by striking out “section 2401 of title  
21 10, United States Code, or section 9081 of the  
22 Department of Defense Appropriations Act,  
23 1990 (10 U.S.C. 2401 note).” and inserting in  
24 lieu thereof “section 2401 or 2401a of title 10,  
25 United States Code.”.

1 (B) Section 127 (107 Stat. 1568) is  
2 amended—

3 (i) in subsection (a), by striking out  
4 “section 2401 of title 10, United States  
5 Code, or section 9081 of the Department  
6 of Defense Appropriations Act, 1990 (10  
7 U.S.C. 2401 note).” and inserting in lieu  
8 thereof “section 2401 or 2401a of title 10,  
9 United States Code.”; and

10 (ii) in subsection (e), by striking out  
11 “section 9081 of the Department of De-  
12 fense Appropriations Act, 1990 (10 U.S.C.  
13 2401 note).” and inserting in lieu thereof  
14 “section 2401a of title 10, United States  
15 Code.”.

16 (2) The National Defense Authorization Act for  
17 Fiscal Years 1990 and 1991 (Public Law 101–189)  
18 is amended by striking out section 824.

19 (3) The National Defense Authorization Act for  
20 Fiscal Years 1988 and 1989 (Public Law 100–180)  
21 is amended by striking out section 825 (10 U.S.C.  
22 2432 note).

23 (4) Section 3737(g) of the Revised Statutes (41  
24 U.S.C. 15(g)) is amended by striking out “rights of

1 obligations” and inserting in lieu thereof “rights or  
2 obligations”.

3 (5) The section of the Revised Statutes (41  
4 U.S.C. 22) amended by section 6004 of Public Law  
5 103–355 (108 Stat. 3364) is amended by striking  
6 out “No member” and inserting in lieu thereof  
7 “SEC. 3741. No Member”.

8 (6) Section 5152(a)(1) of the Drug-Free Work-  
9 place Act of 1988 (41 U.S.C. 701(a)(1)) is amended  
10 by striking out “as defined in section 4 of the Office  
11 of Federal Procurement Policy Act (41 U.S.C. 403)”  
12 and inserting in lieu thereof “(as defined in section  
13 4(12) of such Act (41 U.S.C. 403(12)))”.

14 **SEC. 1103. AMENDMENTS TO REFLECT NAME CHANGE OF**  
15 **COMMITTEE ON ARMED SERVICES OF THE**  
16 **HOUSE OF REPRESENTATIVES.**

17 (a) TITLE 10, UNITED STATES CODE.—Title 10,  
18 United States Code, is amended as follows:

19 (1) Sections 503(b)(5), 520a(d), 526(d)(1),  
20 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A),  
21 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h),  
22 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)(2),  
23 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1),  
24 2891(a), 4342(g), 7307(b)(1)(A), and 9342(g) are  
25 amended by striking out “Committees on Armed

1 Services of the Senate and House of Representa-  
2 tives” and inserting in lieu thereof “Committee on  
3 Armed Services of the Senate and the Committee on  
4 National Security of the House of Representatives”.

5 (2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c),  
6 2864(b), 7426(e), 7431(a), 7431(b)(1), 7431(c),  
7 7438(b), 12302(b), 18235(a), and 18236(a) are  
8 amended by striking out “Committees on Armed  
9 Services of the Senate and the House of Representa-  
10 tives” and inserting in lieu thereof “Committee on  
11 Armed Services of the Senate and the Committee on  
12 National Security of the House of Representatives”.

13 (3) Section 113(j)(1) is amended by striking  
14 out “Committees on Armed Services and Commit-  
15 tees on Appropriations of the Senate and” and in-  
16 serting in lieu thereof “Committee on Armed Serv-  
17 ices and the Committee on Appropriations of the  
18 Senate and the Committee on National Security and  
19 the Committee on Appropriations of the”.

20 (4) Section 119(g) is amended by striking out  
21 paragraphs (1) and (2) and inserting in lieu thereof  
22 the following:

23 “(1) the Committee on Armed Services and the  
24 Committee on Appropriations, and the Defense Sub-

1 committee of the Committee on Appropriations, of  
2 the Senate; and

3 “(2) the Committee on National Security and  
4 the Committee on Appropriations, and the National  
5 Security Subcommittee of the Committee on Appro-  
6 priations, of the House of Representatives.”.

7 (5) Section 127(c) is amended by striking out  
8 “Committees on Armed Services and Appropriations  
9 of the Senate and” and inserting in lieu thereof  
10 “Committee on Armed Services and the Committee  
11 on Appropriations of the Senate and the Committee  
12 on National Security and the Committee on Appro-  
13 priations of”.

14 (6) Section 135(e) is amended—

15 (A) by inserting “(1)” after “(e)”;

16 (B) by striking out “the Committees on  
17 Armed Services and the Committees on Appro-  
18 priations of the Senate and House of Rep-  
19 resentatives are each” and inserting in lieu  
20 thereof “each congressional committee specified  
21 in paragraph (2) is”; and

22 (C) by adding at the end the following:

23 “(2) The committees referred to in paragraph (1)  
24 are—

1           “(A) the Committee on Armed Services and the  
2           Committee on Appropriations of the Senate; and

3           “(B) the Committee on National Security and  
4           the Committee on Appropriations of the House of  
5           Representatives.”.

6           (7) Section 179(e) is amended by striking out  
7           “to the Committees on Armed Services and Appro-  
8           priations of the Senate and” and inserting in lieu  
9           thereof “to the Committee on Armed Services and  
10          the Committee on Appropriations of the Senate and  
11          the Committee on National Security and the Com-  
12          mittee on Appropriations of the”.

13          (8) Sections 401(d) and 402(d) are amended by  
14          striking out “submit to the” and all that follows  
15          through “Foreign Affairs” and inserting in lieu  
16          thereof “submit to the Committee on Armed Serv-  
17          ices and the Committee on Foreign Relations of the  
18          Senate and the Committee on National Security and  
19          the Committee on International Relations”.

20          (9) Sections 1584(b), 2367(d)(2), and  
21          2464(b)(3)(A) are amended by striking out “the  
22          Committees on Armed Services and the Committees  
23          on Appropriations of the Senate and” and inserting  
24          in lieu thereof “the Committee on Armed Services  
25          and the Committee on Appropriations of the Senate

1 and the Committee on National Security and the  
2 Committee on Appropriations of the”.

3 (10) Sections 2306b(g), 2801(c)(4), and  
4 18233a(a)(1) are amended by striking out “the  
5 Committees on Armed Services and on Appropria-  
6 tions of the Senate and” and inserting in lieu there-  
7 of “the Committee on Armed Services and the Com-  
8 mittee on Appropriations of the Senate and the  
9 Committee on National Security and the Committee  
10 on Appropriations of the”.

11 (11) Section 1599(e)(2) is amended—

12 (A) in subparagraph (A), by striking out  
13 “The Committees on Armed Services and Ap-  
14 propriations” and inserting in lieu thereof “The  
15 Committee on National Security, the Committee  
16 on Appropriations,”; and

17 (B) in subparagraph (B), by striking out  
18 “The Committees on Armed Services and Ap-  
19 propriations” and inserting in lieu thereof “The  
20 Committee on Armed Services, the Committee  
21 on Appropriations,”.

22 (12) Sections 1605(c), 4355(a)(3), 6968(a)(3),  
23 and 9355(a)(3) are amended by striking out “Armed  
24 Services” and inserting in lieu thereof “National Se-  
25 curity”.

1           (13) Section 1060(d) is amended by striking  
2 out “Committee on Armed Services and the Commit-  
3 tee on Foreign Affairs” and inserting in lieu thereof  
4 “Committee on National Security and the Commit-  
5 tee on International Relations”.

6           (14) Section 2215 is amended—

7           (A) by inserting “(a) CERTIFICATION RE-  
8 QUIRED.—” at the beginning of the text of the  
9 section;

10           (B) by striking out “to the Committees”  
11 and all that follows through “House of Rep-  
12 resentatives” and inserting in lieu thereof “to  
13 the congressional committees specified in sub-  
14 section (b)”;

15           (C) by adding at the end the following:

16           “(b) CONGRESSIONAL COMMITTEES.—The commit-  
17 tees referred to in subsection (a) are—

18           “(1) the Committee on Armed Services and the  
19 Committee on Appropriations of the Senate; and

20           “(2) the Committee on National Security and  
21 the Committee on Appropriations of the House of  
22 Representatives.”.

23           (15) Section 2218 is amended—

24           (A) in subsection (j), by striking out “the  
25 Committees on Armed Services and on Appro-

1           propriations of the Senate and the House of Rep-  
2           representatives” and inserting in lieu thereof “the  
3           congressional defense committees”; and

4           (B) by adding at the end of subsection (k)  
5           the following new paragraph:

6           “(4) The term ‘congressional defense commit-  
7           tees’ means—

8           “(A) the Committee on Armed Services  
9           and the Committee on Appropriations of the  
10          Senate; and

11          “(B) the Committee on National Security  
12          and the Committee on Appropriations of the  
13          House of Representatives.”.

14          (16) Section 2342(b) is amended—

15          (A) in the matter preceding paragraph (1),  
16          by striking out “section—” and inserting in lieu  
17          thereof “section unless—”;

18          (B) in paragraph (1), by striking out “un-  
19          less”; and

20          (C) in paragraph (2), by striking out “no-  
21          tifies the” and all that follows through “House  
22          of Representatives” and inserting in lieu thereof  
23          “the Secretary submits to the Committee on  
24          Armed Services and the Committee on Foreign  
25          Relations of the Senate and the Committee on

1 National Security and the Committee on Inter-  
2 national Relations of the House of Representa-  
3 tives notice of the intended designation”.

4 (17) Section 2350a(f)(2) is amended by striking  
5 out “submit to the Committees” and all that follows  
6 through “House of Representatives” and inserting in  
7 lieu thereof “submit to the Committee on Armed  
8 Services and the Committee on Foreign Relations of  
9 the Senate and the Committee on National Security  
10 and the Committee on International Relations of the  
11 House of Representatives”.

12 (18) Section 2366 is amended—

13 (A) in subsection (d), by striking out “the  
14 Committees on Armed Services and on Appro-  
15 priations of the Senate and House of Rep-  
16 resentatives” and inserting in lieu thereof “the  
17 congressional defense committees”; and

18 (B) by adding at the end of subsection (e)  
19 the following new paragraph:

20 “(7) The term ‘congressional defense commit-  
21 tees’ means—

22 “(A) the Committee on Armed Services  
23 and the Committee on Appropriations of the  
24 Senate; and

1           “(B) the Committee on National Security  
2           and the Committee on Appropriations of the  
3           House of Representatives.”.

4           (19) Section 2399(h)(2) is amended by striking  
5           out “means” and all the follows and inserting in lieu  
6           thereof the following: “means—

7                   “(A) the Committee on Armed Services  
8                   and the Committee on Appropriations of the  
9                   Senate; and

10                   “(B) the Committee on National Security  
11                   and the Committee on Appropriations of the  
12                   House of Representatives.”.

13           (20) Section 2401(b)(1) is amended—

14                   (A) in subparagraph (B), by striking out  
15                   “the Committees on Armed Services and on Ap-  
16                   propriations of the Senate and” and inserting  
17                   in lieu thereof “the Committee on Armed Serv-  
18                   ices and the Committee on Appropriations of  
19                   the Senate and the Committee on National Se-  
20                   curity and the Committees on Appropriations of  
21                   the”; and

22                   (B) in subparagraph (C), by striking out  
23                   “the Committees on Armed Services and on Ap-  
24                   propriations of the Senate and House of Rep-

1           representatives” and inserting in lieu thereof  
2           “those committees”.

3           (21) Section 2403(e) is amended—

4                   (A) by inserting “(1)” before “Before mak-  
5                   ing”;

6                   (B) by striking out “shall notify the Com-  
7                   mittees on Armed Services and on Appropria-  
8                   tions of the Senate and House of Representa-  
9                   tives” and inserting in lieu thereof “shall sub-  
10                  mit to the congressional committees specified in  
11                  paragraph (2) notice”; and

12                  (C) by adding at the end the following new  
13                  paragraph:

14           “(2) The committees referred to in paragraph (1)  
15           are—

16                   “(A) the Committee on Armed Services and the  
17                   Committee on Appropriations of the Senate; and

18                   “(B) the Committee on National Security and  
19                   the Committee on Appropriations of the House of  
20                   Representatives.”.

21           (22) Section 2515(d) is amended—

22                   (A) by striking out “REPORTING” and all  
23                   that follows through “same time” and inserting  
24                   in lieu thereof “ANNUAL REPORT.—(1) The  
25                   Secretary of Defense shall submit to the con-

1           gressional committees specified in paragraph  
2           (2) an annual report on the activities of the Of-  
3           fice. The report shall be submitted each year at  
4           the same time”; and

5                   (B) by adding at the end the following new  
6           paragraph:

7           “(2) The committees referred to in paragraph (1)  
8           are—

9                   “(A) the Committee on Armed Services and the  
10           Committee on Appropriations of the Senate; and

11                   “(B) the Committee on National Security and  
12           the Committee on Appropriations of the House of  
13           Representatives.”.

14           (23) Section 2551 is amended—

15                   (A) in subsection (e)(1), by striking out  
16           “the Committees on Armed Services” and all  
17           that follows through “House of Representa-  
18           tives” and inserting in lieu thereof “the Com-  
19           mittee on Armed Services and the Committee  
20           on Foreign Relations of the Senate and the  
21           Committee on National Security and the Com-  
22           mittee on International Relations of the House  
23           of Representatives”; and

24                   (B) in subsection (f)—

1 (i) by inserting “(1)” before “In any  
2 case”;

3 (ii) by striking out “Committees on  
4 Appropriations” and all that follows  
5 through “House of Representatives” the  
6 second place it appears and inserting in  
7 lieu thereof “congressional committees  
8 specified in paragraph (2)”; and

9 (iii) by adding at the end the follow-  
10 ing:

11 “(2) The committees referred to in paragraph (1)  
12 are—

13 “(A) the Committee on Armed Services, the  
14 Committee on Foreign Relations, and the Committee  
15 on Appropriations of the Senate; and

16 “(B) the Committee on National Security, the  
17 Committee on International Relations, and the Com-  
18 mittee on Appropriations of the House of Represent-  
19 atives.”.

20 (24) Section 2662 is amended—

21 (A) in subsection (a)—

22 (i) in the matter preceding paragraph  
23 (1), by striking out “the Committees on  
24 Armed Services of the Senate and House  
25 of Representatives” and inserting in lieu

1           thereof “the Committee on Armed Services  
2           of the Senate and the Committee on Na-  
3           tional Security of the House of Represent-  
4           atives”; and

5           (ii) in the matter following paragraph  
6           (6), by striking out “to be submitted to the  
7           Committees on Armed Services of the Sen-  
8           ate and House of Representatives”;

9           (B) in subsection (b), by striking out  
10          “shall report annually to the Committees on  
11          Armed Services of the Senate and the House of  
12          Representatives” and inserting in lieu thereof  
13          “shall submit annually to the congressional  
14          committees named in subsection (a) a report”;

15          (C) in subsection (e), by striking out “the  
16          Committees on Armed Services of the Senate  
17          and the House of Representatives” and insert-  
18          ing in lieu thereof “the congressional commit-  
19          tees named in subsection (a)”;

20          (D) in subsection (f), by striking out “the  
21          Committees on Armed Services of the Senate  
22          and the House of Representatives shall” and in-  
23          serting in lieu thereof “the congressional com-  
24          mittees named in subsection (a) shall”.

25          (25) Section 2674(a) is amended—

1 (A) in paragraph (2), by striking out  
2 “Committees on Armed Services of the Senate  
3 and the House of Representatives, the Commit-  
4 tee on Environment and Public Works of the  
5 Senate, and the Committee on Public Works  
6 and Transportation of the House of Represent-  
7 atives” and inserting in lieu thereof “congres-  
8 sional committees specified in paragraph (3)”;  
9 and

10 (B) by adding at the end the following new  
11 paragraph:

12 “(3) The committees referred to in paragraph (1)  
13 are—

14 “(A) the Committee on Armed Services and the  
15 Committee on Environment and Public Works of the  
16 Senate; and

17 “(B) the Committee on National Security and  
18 the Committee on Transportation and Infrastructure  
19 of the House of Representatives.”.

20 (26) Section 2813(c) is amended by striking  
21 out “Committees on Armed Services and the Com-  
22 mittees on Appropriations of the Senate and House  
23 of Representatives” and inserting in lieu thereof  
24 “appropriate committees of Congress”.

1           (27) Sections 2825(b)(1) and 2832(b)(2) are  
2 amended by striking out “Committees on Armed  
3 Services and the Committees on Appropriations of  
4 the Senate and of the House of Representatives”  
5 and inserting in lieu thereof “appropriate commit-  
6 tees of Congress”.

7           (28) Section 2865(e)(2) and 2866(c)(2) are  
8 amended by striking out “Committees on Armed  
9 Services and Appropriations of the Senate and  
10 House of Representatives” and inserting in lieu  
11 thereof “appropriate committees of Congress”.

12           (29)(A) Section 7434 of such title is amended  
13 to read as follows:

14 **“§ 7434. Annual report to congressional committees**

15           “Not later than October 31 of each year, the Sec-  
16 retary shall submit to the Committee on Armed Services  
17 of the Senate and the Committee on National Security of  
18 the House of Representatives a report on the production  
19 from the naval petroleum reserves during the preceding  
20 calendar year.”.

21           (B) The item relating to such section in the  
22 table of contents at the beginning of chapter 641 is  
23 amended to read as follows:

“7434. Annual report to congressional committees.”.

24           (b) TITLE 37, UNITED STATES CODE.—Title 37,  
25 United States Code, is amended—

1           (1) in sections 301b(i)(2) and 406(i), by strik-  
2           ing out “Committees on Armed Services of the Sen-  
3           ate and House of Representatives” and inserting in  
4           lieu thereof “Committee on Armed Services of the  
5           Senate and the Committee on National Security of  
6           the House of Representatives”; and

7           (2) in section 431(d), by striking out “Armed  
8           Services” the first place it appears and inserting in  
9           lieu thereof “National Security”.

10          (c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

11           (1) The National Defense Authorization Act for  
12           Fiscal Year 1994 (Public Law 103–160) is amended  
13           in sections 2922(b) and 2925(b) (10 U.S.C. 2687  
14           note) by striking out “Committees on Armed Serv-  
15           ices of the Senate and House of Representatives”  
16           and inserting in lieu thereof “Committee on Armed  
17           Services of the Senate and the Committee on Na-  
18           tional Security of the House of Representatives”.

19           (2) The National Defense Authorization Act for  
20           Fiscal Year 1993 (Public Law 102–484) is amend-  
21           ed—

22           (A) in section 326(a)(5) (10 U.S.C. 2301  
23           note) and section 1304(a) (10 U.S.C. 113  
24           note), by striking out “Committees on Armed  
25           Services of the Senate and House of Represent-

1           atives” and inserting in lieu thereof “Commit-  
2           tee on Armed Services of the Senate and the  
3           Committee on National Security of the House  
4           of Representatives”; and

5                   (B) in section 1505(e)(2)(B) (22 U.S.C.  
6           5859a), by striking out “the Committee on  
7           Armed Services, the Committee on Appropria-  
8           tions, the Committee on Foreign Affairs, and  
9           the Committee on Energy and Commerce” and  
10          inserting in lieu thereof “the Committee on Na-  
11          tional Security, the Committee on Appropria-  
12          tions, the Committee on International Rela-  
13          tions, and the Committee on Commerce”.

14          (3) Section 1097(a)(1) of the National Defense  
15          Authorization Act for Fiscal Years 1992 and 1993  
16          (Public Law 102-190; 22 U.S.C. 2751 note) is  
17          amended by striking out “the Committees on Armed  
18          Services and Foreign Affairs” and inserting in lieu  
19          thereof “the Committee on National Security and  
20          the Committee on International Relations”.

21          (4) The National Defense Authorization Act for  
22          Fiscal Year 1991 (P.L. 101-510) is amended as fol-  
23          lows:

24                   (A) Section 402(a) and section 1208(b)(3)  
25                  (10 U.S.C. 1701 note) are amended by striking

1 out “Committees on Armed Services of the Sen-  
2 ate and the House of Representatives” and in-  
3 sserting in lieu thereof “Committee on Armed  
4 Services of the Senate and the Committee on  
5 National Security of the House of Representa-  
6 tives”.

7 (B) Section 1403(a) (50 U.S.C. 404b(a))  
8 is amended—

9 (i) by striking out “the Committees  
10 on” and all that follows through “each  
11 year” and inserting in lieu thereof “the  
12 Committee on Armed Services, the Com-  
13 mittee on Appropriations, and the Select  
14 Committee on Intelligence of the Senate  
15 and the Committee on National Security,  
16 the Committee on Appropriations, and the  
17 Permanent Select Committee on Intel-  
18 ligence of the House of Representatives  
19 each year”.

20 (C) Section 1457(a) (50 U.S.C. 404c(a)) is  
21 amended by striking out “the Committees on  
22 Armed Services and on Foreign Affairs of the  
23 House of Representatives and the Committees  
24 on Armed Services and” and inserting in lieu  
25 thereof “the Committee on National Security

1 and the Committee on International Relations  
2 of the House of Representatives and the Com-  
3 mittee on Armed Services and the Committee  
4 on”.

5 (D) Section 2921 (10 U.S.C. 2687 note) is  
6 amended—

7 (i) in subsection (e)(3)(A), by striking  
8 out “the Committee on Armed Services,  
9 the Committee on Appropriations, and the  
10 Defense Subcommittees” and inserting in  
11 lieu thereof “the Committee on National  
12 Security, the Committee on Appropria-  
13 tions, and the National Security Sub-  
14 committee”; and

15 (ii) in subsection (g)(2), by striking  
16 out “the Committees on Armed Services of  
17 the Senate and House of Representatives”  
18 and inserting in lieu thereof “the Commit-  
19 tee on Armed Services of the Senate and  
20 the Committee on National Security of the  
21 House of Representatives”.

22 (5) Section 613(h)(1) of the National Defense  
23 Authorization Act, Fiscal Year 1989 (Public Law  
24 100-456; 37 U.S.C. 302 note), is amended by strik-  
25 ing out “the Committees on Armed Services of the

1 Senate and the House of Representatives” and in-  
2 sserting in lieu thereof “the Committee on Armed  
3 Services of the Senate and the Committee on Na-  
4 tional Security of the House of Representatives”.

5 (6) Section 1412 of the Department of Defense  
6 Authorization Act, 1986 (Public Law 99-145; 50  
7 U.S.C. 1521), is amended in subsections (b)(4) and  
8 (k)(2), by striking out “Committees on Armed Serv-  
9 ices of the Senate and House of Representatives”  
10 and inserting in lieu thereof “Committee on Armed  
11 Services of the Senate and the Committee on Na-  
12 tional Security of the House of Representatives”.

13 (7) Section 1002(d) of the Department of De-  
14 fense Authorization Act, 1985 (Public Law 98-525;  
15 22 U.S.C. 1928 note), is amended by striking out  
16 “the Committees on Armed Services of the Senate  
17 and the House of Representatives” and inserting in  
18 lieu thereof “the Committee on Armed Services of  
19 the Senate, the Committee on National Security of  
20 the House of Representatives”.

21 (8) Section 1252 of the Department of Defense  
22 Authorization Act, 1984 (42 U.S.C. 248d), is  
23 amended—

24 (A) in subsection (d), by striking out  
25 “Committees on Appropriations and on Armed

1 Services of the Senate and the House of Rep-  
2 resentatives” and inserting in lieu thereof  
3 “Committee on Appropriations and the Com-  
4 mittee on Armed Services of the Senate and the  
5 Committee on Appropriations and the Commit-  
6 tee on National Security of the House of Rep-  
7 resentatives”; and

8 (B) in subsection (e), by striking out  
9 “Committees on Appropriations and on Armed  
10 Services of the Senate and the House of Rep-  
11 resentatives” and inserting in lieu thereof “con-  
12 gressional committees specified in subsection  
13 (d)”.

14 (d) BASE CLOSURE LAW.—The Defense Base Clo-  
15 sure and Realignment Act of 1990 (part A of title XXIX  
16 of Public Law 101–510; 10 U.S.C. 2687 note) is amended  
17 as follows:

18 (1) Sections 2902(e)(2)(B)(ii) and 2908(b) are  
19 amended by striking out “Armed Services” the first  
20 place it appears and inserting in lieu thereof “Na-  
21 tional Security”.

22 (2) Section 2910(2) is amended by striking out  
23 “the Committees on Armed Services and the Com-  
24 mittees on Appropriations of the Senate and of the  
25 House of Representatives” and inserting in lieu

1       thereof “the Committee on Armed Services and the  
2       Committee on Appropriations of the Senate and the  
3       Committee on National Security and the Committee  
4       on Appropriations of the House of Representatives”.

5       (e) NATIONAL DEFENSE STOCKPILE.—The Strategic  
6 and Critical Materials Stock Piling Act is amended—

7           (1) in section 6(d) (50 U.S.C. 98e(d))—

8               (A) in paragraph (1), by striking out  
9               “Committees on Armed Services of the Senate  
10              and House of Representatives” and inserting in  
11              lieu thereof “Committee on Armed Services of  
12              the Senate and the Committee on National Se-  
13              curity of the House of Representatives”; and

14              (B) in paragraph (2), by striking out “the  
15              Committees on Armed Services of the Senate  
16              and House of Representatives” and inserting in  
17              lieu thereof “such congressional committees”;  
18              and

19           (2) in section 7(b) (50 U.S.C. 98f(b)), by strik-  
20           ing out “Committees on Armed Services of the Sen-  
21           ate and House of Representatives” and inserting in  
22           lieu thereof “Committee on Armed Services of the  
23           Senate and the Committee on National Security of  
24           the House of Representatives”.

25       (f) OTHER DEFENSE-RELATED PROVISIONS.—

1           (1) Section 8125(g)(2) of the Department of  
2           Defense Appropriations Act, 1989 (Public Law 100–  
3           463; 10 U.S.C. 113 note), is amended by striking  
4           out “Committees on Appropriations and Armed  
5           Services of the Senate and House of Representa-  
6           tives” and inserting in lieu thereof “Committee on  
7           Appropriations and the Committees on Armed Serv-  
8           ices of the Senate and the Committee on Appropria-  
9           tions and the Committees on National Security of  
10          the House of Representatives”.

11          (2) Section 1505(f)(3) of the Military Child  
12          Care Act of 1989 (title XV of Public Law 101–189;  
13          10 U.S.C. 113 note) is amended by striking out  
14          “Committees on Armed Services of the Senate and  
15          House of Representatives” and inserting in lieu  
16          thereof “Committee on Armed Services of the Sen-  
17          ate and the Committee on National Security of the  
18          House of Representatives”.

19          (3) Section 9047A of the Department of De-  
20          fense Appropriations Act, 1993 (Public Law 102–  
21          396; 10 U.S.C. 2687 note), is amended by striking  
22          out “the Committees on Appropriations and Armed  
23          Services of the House of Representatives and the  
24          Senate” and inserting in lieu thereof “the Commit-  
25          tee on Appropriations and the Committee on Armed

1 Services of the Senate and the Committee on Appro-  
2 priations and the Committee on National Security of  
3 the House of Representatives”.

4 (4) Section 3059(c)(1) of the Defense Drug  
5 Interdiction Assistance Act (subtitle A of title III of  
6 Public Law 99–570; 10 U.S.C. 9441 note) is amend-  
7 ed by striking out “Committees on Appropriations  
8 and on Armed Services of the Senate and the House  
9 of Representatives” and inserting in lieu thereof  
10 “Committee on Armed Services and the Committee  
11 on Appropriations of the Senate and the Committee  
12 on National Security and the Committee on Appro-  
13 priations of the House of Representatives”.

14 (5) Section 7606(b) of the Anti-Drug Abuse  
15 Act of 1988 (Public Law 100–690; 10 U.S.C. 9441  
16 note) is amended by striking out “Committees on  
17 Appropriations and the Committee on Armed Serv-  
18 ices of the Senate and the House of Representa-  
19 tives” and inserting in lieu thereof “Committee on  
20 Armed Services and the Committee on Appropria-  
21 tions of the Senate and the Committee on National  
22 Security and the Committee on Appropriations of  
23 the House of Representatives”.

24 (6) Section 104(d)(5) of the National Security  
25 Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by

1 striking out “Committees on Armed Services of the  
2 Senate and House of Representatives” and inserting  
3 in lieu thereof “Committee on Armed Services of the  
4 Senate and the Committee on National Security of  
5 the House of Representatives”.

6 (7) Section 8 of the Inspector General Act of  
7 1978 (5 U.S.C. App.) is amended—

8 (A) in subsection (b)(3), by striking out  
9 “Committees on Armed Services and Govern-  
10 ment Operations” and inserting in lieu thereof  
11 “Committee on National Security and the Com-  
12 mittee on Government Reform and Oversight”;

13 (B) in subsection (b)(4), by striking out  
14 “Committees on Armed Services and Govern-  
15 mental Affairs of the Senate and the Commit-  
16 tees on Armed Services and Government Oper-  
17 ations of the House of Representatives” and in-  
18 serting in lieu thereof “congressional commit-  
19 tees specified in paragraph (3)”;

20 (C) in subsection (f)(1), by striking out  
21 “Committees on Armed Services and Govern-  
22 ment Operations” and inserting in lieu thereof  
23 “Committee on National Security and the Com-  
24 mittee on Government Reform and Oversight”;  
25 and

1 (D) in subsection (f)(2), by striking out  
2 “Committees on Armed Services and Govern-  
3 mental Affairs of the Senate and the Commit-  
4 tees on Armed Services and Government Oper-  
5 ations of the House of Representatives” and in-  
6 serting in lieu thereof “congressional commit-  
7 tees specified in paragraph (1)”.

8 (8) Section 204(h)(3) of the Federal Property  
9 and Administrative Services Act of 1949 (40 U.S.C.  
10 485(h)(3)) is amended by striking out “Committees  
11 on Armed Services of the Senate and of the House  
12 of Representatives” and inserting in lieu thereof  
13 “Committee on Armed Services of the Senate and  
14 the Committee on National Security of the House of  
15 Representatives”.

16 **SEC. 1104. MISCELLANEOUS AMENDMENTS TO TITLE 10,**  
17 **UNITED STATES CODE.**

18 (a) SUBTITLE A.—Subtitle A of title 10, United  
19 States Code, is amended as follows:

20 (1) Section 113(i)(2)(B) is amended by striking  
21 out “the five years covered” and all that follows  
22 through “section 114(g)” and inserting in lieu there-  
23 of “the period covered by the future-years defense  
24 program submitted to Congress during that year  
25 pursuant to section 221”.

1           (2) Section 136(c) is amended by striking out  
2           “Comptroller” and inserting in lieu thereof “Under  
3           Secretary of Defense (Comptroller)”.

4           (3) Section 227(3)(D) is amended by striking  
5           out “for”.

6           (4) Effective October 1, 1995, section 526 is  
7           amended—

8                   (A) in subsection (a), by striking out para-  
9                   graphs (1), (2), and (3) and inserting in lieu  
10                   thereof the following:

11                   “(1) For the Army, 302.

12                   “(2) For the Navy, 216.

13                   “(3) For the Air Force, 279.”;

14                   (B) by striking out subsection (b);

15                   (C) by redesignating subsections (c), (d),  
16                   and (e) as subsections (b), (c), and (d);

17                   (D) in subsection (b), as so redesignated,  
18                   by striking out “that are applicable on and  
19                   after October 1, 1995”; and

20                   (E) in paragraph (2)(B) of subsection (c),  
21                   as redesignated by subparagraph (C), is amend-  
22                   ed—

23                           (i) by striking out “the” after “in  
24                           the”;

1 (ii) by inserting “to” after “reserve  
2 component, or”; and

3 (iii) by inserting “than” after “in a  
4 grade other”.

5 (5) Effective October 1, 1995, section 528(a) is  
6 amended by striking out “after September 30,  
7 1995,”

8 (6) Section 573(a)(2) is amended by striking  
9 out “active duty list” and inserting in lieu thereof  
10 “active-duty list”.

11 (7) Section 661(d)(2) is amended—

12 (A) in subparagraph (B), by striking out  
13 “Until January 1, 1994” and all that follows  
14 through “each position so designated” and in-  
15 serting in lieu thereof “Each position des-  
16 ignated by the Secretary under subparagraph  
17 (A)”;

18 (B) in subparagraph (C), by striking out  
19 “the second sentence of”; and

20 (C) by striking out subparagraph (D).

21 (8) Section 706(c)(1) is amended by striking  
22 out “section 4301 of title 38” and inserting in lieu  
23 thereof “chapter 43 of title 38”.

1           (9) Section 1059 is amended by striking out  
2           “subsection (j)” in subsections (c)(2) and (g)(3) and  
3           inserting in lieu thereof “subsection (k)”.

4           (10) Section 1060a(f)(2)(B) is amended by  
5           striking out “(as defined in section 101(a)(22) of  
6           the Immigration and Nationality Act (8 U.S.C.  
7           1101(a)(22)))” and inserting in lieu thereof “, as  
8           determined in accordance with the Immigration and  
9           Nationality Act (8 U.S.C. 1101 et seq.)”.

10          (11) Section 1151 is amended—

11           (A) in subsection (b), by striking out “(20  
12           U.S.C. 2701 et seq.)” in paragraphs (2)(A) and  
13           (3)(A) and inserting in lieu thereof “(20 U.S.C.  
14           6301 et seq.)”; and

15           (B) in subsection (e)(1)(B), by striking out  
16           “not later than one year after the date of the  
17           enactment of the National Defense Authoriza-  
18           tion Act for Fiscal Year 1995” and inserting in  
19           lieu thereof “not later than October 5, 1995”.

20          (12) Section 1152(g)(2) is amended by striking  
21          out “not later than 180 days after the date of the  
22          enactment of the National Defense Authorization  
23          Act for Fiscal Year 1995” and inserting in lieu  
24          thereof “not later than April 3, 1994,”.

1           (13) Section 1177(b)(2) is amended by striking  
2 out “provison of law” and inserting in lieu thereof  
3 “provision of law”.

4           (14) The heading for chapter 67 is amended by  
5 striking out “**NONREGULAR**” and inserting in  
6 lieu thereof “**NON-REGULAR**”.

7           (15) Section 1598(a)(2)(A) is amended by  
8 striking out “2701” and inserting in lieu thereof  
9 “6301”.

10          (16) Section 1745(a) is amended by striking  
11 out “section 4107(d)” both places it appears and in-  
12 serting in lieu thereof “section 4107(b)”.

13          (17) Section 1746(a) is amended—

14               (A) by striking out “(1)” before “The Sec-  
15 retary of Defense”; and

16               (B) by redesignating subparagraphs (A)  
17 and (B) as paragraphs (1) and (2), respectively.

18          (18) Section 2006(b)(2)(B)(ii) is amended by  
19 striking out “section 1412 of such title” and insert-  
20 ing in lieu thereof “section 3012 of such title”.

21          (19) Section 2011(a) is amended by striking  
22 out “TO” and inserting in lieu thereof “To”.

23          (20) Section 2194(e) is amended by striking  
24 out “(20 U.S.C. 2891(12))” and inserting in lieu  
25 thereof “(20 U.S.C. 8801)”.

1           (21) Sections 2217(b) and 2220(a)(2) are  
2 amended by striking out “Comptroller of the De-  
3 partment of Defense” and inserting in lieu thereof  
4 “Under Secretary of Defense (Comptroller)”.

5           (22) Section 2401(c)(2) is amended by striking  
6 out “pursuant to” and all that follows through  
7 “September 24, 1983.”.

8           (23) Section 2410f(b) is amended by striking  
9 out “For purposes of” and inserting in lieu thereof  
10 “In”.

11           (24) Section 2410j(a)(2)(A) is amended by  
12 striking out “2701” and inserting in lieu thereof  
13 “6301”.

14           (25) Section 2457(e) is amended by striking  
15 out “title III of the Act of March 3, 1933 (41  
16 U.S.C. 10a),” and inserting in lieu thereof “the Buy  
17 American Act (41 U.S.C. 10a)”.

18           (26) Section 2465(b)(3) is amended by striking  
19 out “under contract” and all that follows through  
20 the period and inserting in lieu thereof “under con-  
21 tract on September 24, 1983.”.

22           (27) Section 2471(b) is amended—

23                   (A) in paragraph (2), by inserting “by”  
24 after “as determined”; and

1 (B) in paragraph (3), by inserting “of”  
2 after “arising out”.

3 (28) Section 2524(e)(4)(B) is amended by in-  
4 serting a comma before “with respect to”.

5 (29) The heading of section 2525 is amended  
6 by capitalizing the initial letter of the second, fourth,  
7 and fifth words.

8 (30) Chapter 152 is amended by striking out  
9 the table of subchapters at the beginning and the  
10 headings for subchapters I and II.

11 (31) Section 2534(c) is amended by capitalizing  
12 the initial letter of the third and fourth words of the  
13 subsection heading.

14 (32) Section 2705(d)(2) is amended by striking  
15 out “the date of the enactment of this section” and  
16 inserting in lieu thereof “October 5, 1994”.

17 (33) The table of sections at the beginning of  
18 subchapter I of chapter 169 is amended by adding  
19 a period at the end of the item relating to section  
20 2811.

21 (b) OTHER SUBTITLES.—Subtitles B, C, and D of  
22 title 10, United States Code, are amended as follows:

23 (1) Sections 3022(a)(1), 5025(a)(1), and  
24 8022(a)(1) are amended by striking out “Comptrol-  
25 ler of the Department of Defense” and inserting in



1           (1) Section 322(1) (108 Stat. 2711) is amended  
2           by striking out “SERVICE” in both sets of quoted  
3           matter and inserting in lieu thereof “SERVICES”.

4           (2) Section 531(g)(2) (108 Stat. 2758) is  
5           amended by inserting “item relating to section 1034  
6           in the” after “The”.

7           (3) Section 541(c)(1) is amended—

8                 (A) in subparagraph (B), by inserting a  
9                 comma after “chief warrant officer”; and

10                (B) in the matter after subparagraph (C),  
11                by striking out “this”.

12           (4) Section 721(f)(2) (108 Stat. 2806) is  
13           amended by striking out “revaluated” and inserting  
14           in lieu thereof “reevaluated”.

15           (5) Section 722(d)(2) (108 Stat. 2808) is  
16           amended by striking out “National Academy of  
17           Science” and inserting in lieu thereof “National  
18           Academy of Sciences”.

19           (6) Section 904(d) (108 Stat. 2827) is amended  
20           by striking out “subsection (c)” the first place it ap-  
21           pears and inserting in lieu thereof “subsection (b)”.

22           (7) Section 1202 (108 Stat. 2882) is amend-  
23           ed—

1 (A) by striking out “(title XII of Public  
2 Law 103–60” and inserting in lieu thereof  
3 “(title XII of Public Law 103–160”;

4 (B) in paragraph (2), by inserting “in the  
5 first sentence” before “and inserting in lieu  
6 thereof”.

7 (8) Section 1312(a)(2) (108 Stat. 2894) is  
8 amended by striking out “adding at the end” and  
9 inserting in lieu thereof “inserting after the item re-  
10 lating to section 123a”.

11 (9) Section 2813(c) (108 Stat. 3055) is amend-  
12 ed by striking out “above paragraph (1)” both  
13 places it appears and inserting in lieu thereof “pre-  
14 ceding subparagraph (A)”.

15 (b) PUBLIC LAW 103–160.—The National Defense  
16 Authorization Act for Fiscal Year 1994 (Public Law 103–  
17 160) is amended in section 1603(d) (22 U.S.C. 2751  
18 note)—

19 (1) in the matter preceding paragraph (1), by  
20 striking out the second comma after “Not later than  
21 April 30 of each year”;

22 (2) in paragraph (4), by striking out “contrib-  
23 utes” and inserting in lieu thereof “contribute”;

24 (3) in paragraph (5), by striking out “is” and  
25 inserting in lieu thereof “are”.

1 (c) PUBLIC LAW 102-484.—The National Defense  
2 Authorization Act for Fiscal Year 1993 (Public Law 102-  
3 484) is amended as follows:

4 (1) Section 326(a)(5) (106 Stat. 2370; 10  
5 U.S.C. 2301 note) is amended by inserting “report”  
6 after “each”.

7 (2) Section 4403(a) (10 U.S.C. 1293 note) is  
8 amended by striking out “through 1995” and insert-  
9 ing in lieu thereof “through fiscal year 1999”.

10 (d) PUBLIC LAW 102-190.—Section 1097(d) of the  
11 National Defense Authorization Act for Fiscal Years 1992  
12 and 1993 (Public Law 102-190; 105 Stat. 1490) is  
13 amended by striking out “the Federal Republic of Ger-  
14 many, France” and inserting in lieu thereof “France, Ger-  
15 many”.

16 **SEC. 1106. MISCELLANEOUS AMENDMENTS TO FEDERAL**  
17 **ACQUISITION LAWS.**

18 (a) OFFICE OF FEDERAL PROCUREMENT POLICY  
19 ACT.—The Office of Federal Procurement Policy Act (41  
20 U.S.C. 401 et seq.) is amended as follows:

21 (1) Section 6(b) (41 U.S.C. 405(b)) is amended  
22 by striking out the second comma after “under sub-  
23 section (a)” in the first sentence.

24 (2) Section 18(a) (41 U.S.C. 416(a)) is amend-  
25 ed in paragraph (1)(B) by striking out “described in

1 subsection (f)” and inserting in lieu thereof “de-  
2 scribed in subsection (b)”.

3 (3) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is  
4 amended by striking out “Under Secretary of De-  
5 fense for Acquisition” and inserting in lieu thereof  
6 “Under Secretary of Defense for Acquisition and  
7 Technology”.

8 (b) OTHER LAWS.—

9 (1) Section 11(2) of the Inspector General Act  
10 of 1978 (5 U.S.C. App.) is amended by striking out  
11 the second comma after “Community Service”.

12 (2) Section 908(e) of the Defense Acquisition  
13 Improvement Act of 1986 (10 U.S.C. 2326 note) is  
14 amended by striking out “section 2325(g)” and in-  
15 serting in lieu thereof “section 2326(g)”.

16 (3) Effective as of August 9, 1989, and as if in-  
17 cluded therein as enacted, Public Law 101–73 is  
18 amended in section 501(b)(1)(A) (103 Stat. 393) by  
19 striking out “be,” and inserting in lieu thereof “be;”  
20 in the second quoted matter therein.

21 (4) Section 3732(a) of the Revised Statutes (41  
22 U.S.C. 11(a)) is amended by striking out the second  
23 comma after “quarters”.

24 (5) Section 2 of the Contract Disputes Act of  
25 1978 (41 U.S.C. 601) is amended in paragraphs (3),

1 (5), (6), and (7), by striking out “The” and insert-  
2 ing in lieu thereof “the”.

3 (6) Section 13 of the Contract Disputes Act of  
4 1978 (41 U.S.C. 612) is amended—

5 (A) in subsection (a), by striking out “sec-  
6 tion 1302 of the Act of July 27, 1956, (70  
7 Stat. 694, as amended; 31 U.S.C. 724a)” and  
8 inserting in lieu thereof “section 1304 of title  
9 31, United States Code”; and

10 (B) in subsection (c), by striking out “sec-  
11 tion 1302 of the Act of July 27, 1956, (70  
12 Stat. 694, as amended; 31 U.S.C. 724a)” and  
13 inserting in lieu thereof “section 1304 of title  
14 31, United States Code,”.

15 **SEC. 1107. MISCELLANEOUS AMENDMENTS TO OTHER**  
16 **LAWS.**

17 (a) OFFICER PERSONNEL ACT OF 1947.—Section  
18 437 of the Officer Personnel Act of 1947 is repealed.

19 (b) TITLE 5, UNITED STATES CODE.—Title 5, Unit-  
20 ed States Code, is amended—

21 (1) in section 8171—

22 (A) in subsection (a), by striking out  
23 “903(3)” and inserting in lieu thereof  
24 “903(a)”;

1 (B) in subsection (c)(1), by inserting “sec-  
2 tion” before “39(b)”; and

3 (C) in subsection (d), by striking out “(33  
4 U.S.C. 18 and 21, respectively)” and inserting  
5 in lieu thereof “(33 U.S.C. 918 and 921)”;

6 (2) in sections 8172 and 8173, by striking out  
7 “(33 U.S.C. 2(2))” and inserting in lieu thereof  
8 “(33 U.S.C. 902(2))”; and

9 (3) in section 8339(d)(7), by striking out  
10 “Court of Military Appeals” and inserting in lieu  
11 thereof “Court of Appeals for the Armed Forces”.

12 (c) PUBLIC LAW 90–485.—Effective as of August 13,  
13 1968, and as if included therein as originally enacted, sec-  
14 tion 1(6) of Public Law 90–485 (82 Stat. 753) is amend-  
15 ed—

16 (1) by striking out the close quotation marks  
17 after the end of clause (4) of the matter inserted by  
18 the amendment made by that section; and

19 (2) by adding close quotation marks at the end.

20 (d) TITLE 37, UNITED STATES CODE.—Section  
21 406(b)(1)(E) of title 37, United States Code, is amended  
22 by striking out “of this paragraph”.

23 (e) BASE CLOSURE ACT.—Section 2910 of the De-  
24 fense Base Closure and Realignment Act of 1990 (part

1 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
2 note) is amended—

3 (1) by redesignating the second paragraph (10),  
4 as added by section 2(b) of the Base Closure Com-  
5 munity Redevelopment and Homeless Assistance Act  
6 of 1994 (Public Law 103–421; 108 Stat. 4352), as  
7 paragraph (11); and

8 (2) in paragraph (11), as so redesignated, by  
9 striking out “section 501(h)(4)” and “11411(h)(4)”  
10 and inserting in lieu thereof “501(i)(4)” and  
11 “11411(i)(4)”, respectively.

12 (f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public  
13 Law 103–421 (108 Stat. 4354) is amended—

14 (1) by striking out “(A)” after “(5)”; and

15 (2) by striking out “clause” in subparagraph  
16 (B)(iv) and inserting in lieu thereof “clauses”.

17 **SEC. 1108. COORDINATION WITH OTHER AMENDMENTS.**

18 For purposes of applying amendments made by provi-  
19 sions of this Act other than provisions of this title, this

- 1 title shall be treated as having been enacted immediately
- 2 before the other provisions of this Act.

Passed the Senate September 6 (legislative day, September 5), 1994.

Attest:

*Secretary.*

104TH CONGRESS  
1ST SESSION

**S. 1124**

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**AN ACT**

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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